

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** New Harmony Assisted Living **FILE #:** 10-003232
  2. **APPLICANT:** New Harmony Care Ctr Inc **HEARING DATE:** January 28, 2010
  3. **TYPE OF APPLICATION:** Rezoning-Council
  4. **LOCATION:** 130 Rose Ave E (118 & 130 Rose Ave E, 123 & 135 Geranium Ave E)
  5. **PIN & LEGAL DESCRIPTION:** 302922120017, 302922120018, 302922120016, and 302922120007; RANSOM'S ADDITION TO ST. PAUL LOTS 24 25 AND LOT 26 BLK 2, RANSOM'S ADDITION TO ST. PAUL LOTS 24 25 AND LOT 26 BLK 2, RANSOM'S ADDITION TO ST. PAUL LOT 11 BLK 2, SOO LINE PLAT NUMBER 4 LOTS 22 & 23 BLK 2 RANSOMS ADDITION & IN SD SOO LINE PLAT NUMBER 4 PART OF AGATE ST VAC ADJ EAST & LOT F, and RANSOM'S ADDITION TO ST. PAUL LOTS 27 AND LOT 28 BLK 2
  6. **PLANNING DISTRICT:** 6 **EXISTING ZONING:** R4
  7. **ZONING CODE REFERENCE:** §61.801(b)
  8. **STAFF REPORT DATE:** January 20, 2010 **BY:** Penelope Simison
  9. **DATE RECEIVED:** January 4, 2010 **60-DAY DEADLINE FOR ACTION:** March 5, 2010
- 

- A. **PURPOSE:** Rezoning from R4 One-Family Residential to RM2 Medium Density Multiple Family Residential.
- B. **PARCEL SIZE:** 44320 sq. ft.; 200 ft. frontage on Rose Street
- C. **EXISTING LAND USE:** Vacant land; single family residential building
- D. **SURROUNDING LAND USE:**
  - North: Industrial (B3, I1)
  - East: Parkland, railroad (R1)
  - South: Multiple family residential, Single family residential (R4, RM2)
  - West: Single family residential (R4)
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** The property has been in the R4 district since 1975, when the current Zoning Code was established.
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 6 had not sent comments at the time the staff report was written.
- H. **FINDINGS:**
  1. The applicant, New Harmony Care Center Inc., proposes to construct, operate and maintain a 48-unit assisted living facility. The 49,010 s.f. building will be four stories, at a height of 45 feet. The applicant proposes to provide 40 parking spaces for the proposed facility, including 32 spaces in a subterranean parking level and eight spaces in a surface parking lot adjacent to the skilled nursing facility with access from Geranium Street; a single family residential structure on Geranium will be demolished for construction of the surface parking lot. An existing parking lot for the skilled nursing facility will be reconfigured to provide 21 parking spaces. In addition, the applicant proposes to construct a ground-level link between the existing skilled nursing facility and the proposed assisted living facility.
  2. The proposed zoning is consistent with the way this area has developed. The area is developed as a mix of residential uses. The applicant operates a skilled nursing facility adjacent to the proposed project site; the skilled nursing facility is zoned RM2 Medium

Density Multiple Family Residential district. Single family residential is the predominate development in the surrounding neighborhood.

3. The proposed zoning is consistent with the Comprehensive Plan. The current Land Use and Housing chapters of the Comprehensive Plan support the production of housing. The Housing chapter (Policy 5.2) promotes the development of housing that addresses new and emerging market needs and complements existing neighborhoods; the policy, in part, is: *Promote good design solutions for housing that meets newer market needs and complements existing Saint Paul neighborhoods. . . .* The Land Use chapter (Policy 5.3.1) states that each of the 17 planning districts should have life-cycle housing, including senior housing, so that people of all ages should be able to live conveniently in every part of the city; the policy is: *Each of the 17 planning districts in the city should have life cycle housing, that is, a mixture of single-family housing, townhouses, condominiums, apartments, and seniors housing.*

The preliminarily approved Housing and Land Use chapters of the Comprehensive Plan update also support the production of housing. The Housing chapter (Policy 2.18) promotes the expansion of housing choices for seniors, particularly in neighborhoods that are underserved; the policy is: *Support the expansion of housing choices for seniors, particularly in neighborhoods that are underserved.* The Land Use chapter includes two policies, including promoting housing choices for people of all ages (Policy 1.39 – Promote the development of housing that provides choices for people of all ages, including singles and young couples, families, empty-nesters, and seniors.) and a range of housing types and values in each of the 17 planning districts (Policy 1.40 – *Promote the development of a range of housing types and housing values in each of the 17 planning districts*).

The adopted North End-South Como District Plan (District 6) includes an unnumbered paragraph that reads, in part, *Among the priorities for new housing is the development of a variety of unit types to meet the life-cycle needs of neighborhood residents. Specifically missing from the current stock are units designed for older persons.*

4. The proposed development is compatible with residential uses, including the skilled nursing facility and a multiple family residential building, both to the south of the proposed project.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of a rezoning from R4 One-Family Residential to RM2 Multiple Family Residential.



**PETITION TO AMEND THE ZONING CODE**  
 Department of Planning and Economic Development  
 Zoning Section  
 1400 City Hall Annex  
 25 West Fourth Street  
 Saint Paul, MN 55102-1634  
 (651) 266-6589

PD=6  
 Zoning office use only  
 File # 10-003232  
 Fee: 1250.00  
 Tentative Hearing Date: 1-28-10  
 # 302922120007

APPLICANT

Property Owner SEE ATTACHED SHEET  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ St. \_\_\_\_\_ Zip \_\_\_\_\_ Daytime Phone \_\_\_\_\_  
 Contact Person (if different) LORNE CHRISTENSEN Phone 952-259-4465

PROPERTY  
LOCATION

Address/Location 118 & 130 Rose E. & 123 Geranium E  
 Legal Description Lots 2228 & Lot 11, Block 2, Ransom's Addition to Saint Paul  
JDB  
 Current Zoning R-4  
 (attach additional sheet if necessary)

**TO THE HONORABLE MAYOR AND CITY COUNCIL:**

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes,  
 \_\_\_\_\_, owner of land proposed for rezoning, hereby petitions you to  
 rezone the above described property from a R-4 zoning district to a RM2  
 zoning district, for the purpose of: Developing a 48-Unit Assisted Living Building behind and attached to the existing New Harmony  
 Care Center. The Care Center is currently zoned RM2.

(attach additional sheets if necessary)

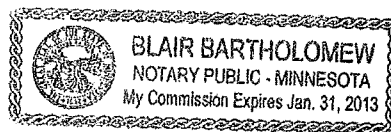
Attachments as required: ☐ Site Plan ☐ Consent Petition ☐ Affidavit

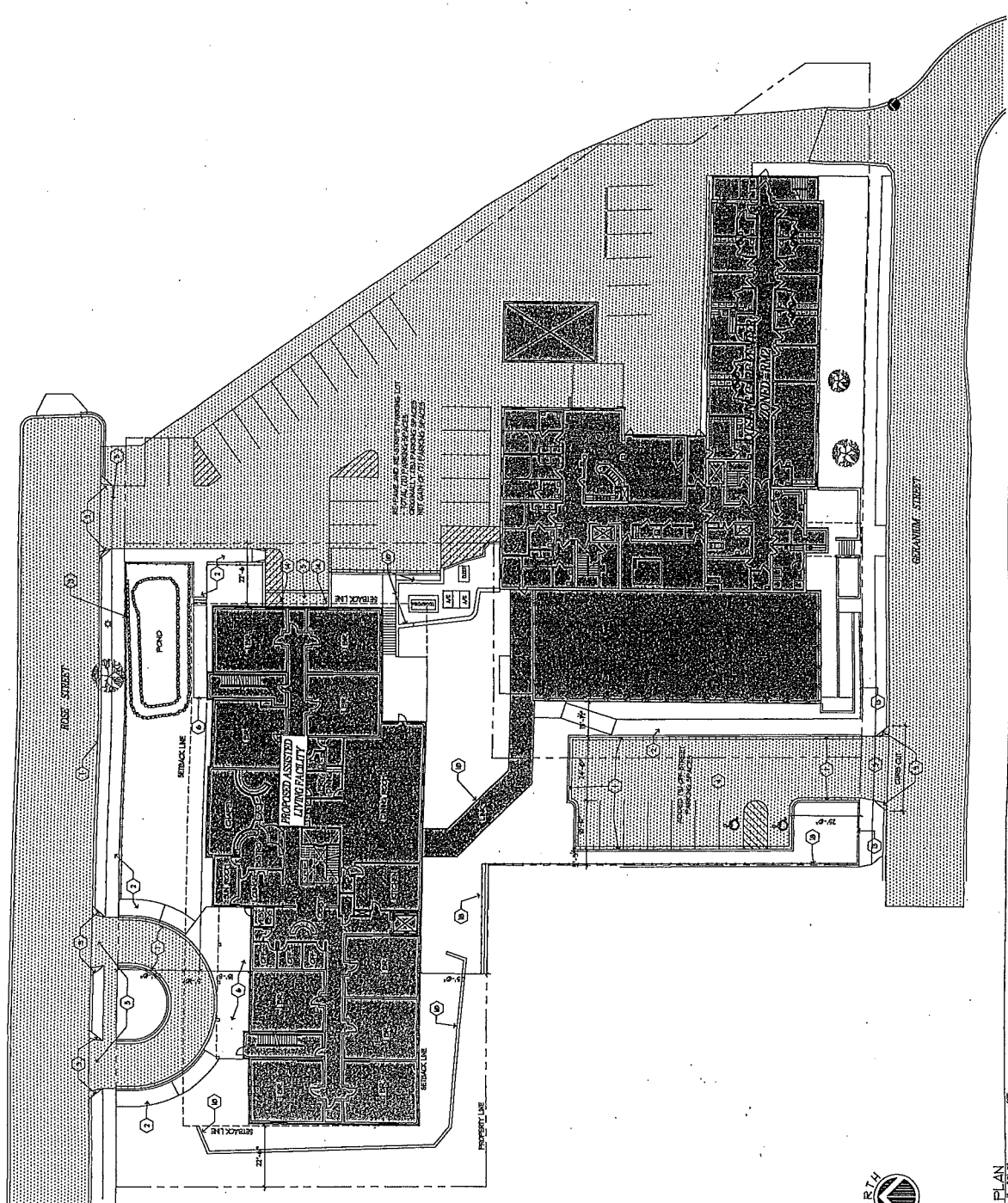
Subscribed and sworn to before me  
 this 23 day  
 of December, 2009.

By: Harvey Jo Waegel  
 Fee Owner of Property

Title: \_\_\_\_\_

Blair Bartholomew  
 Notary Public







## GENERAL SITE PLAN NOTES:

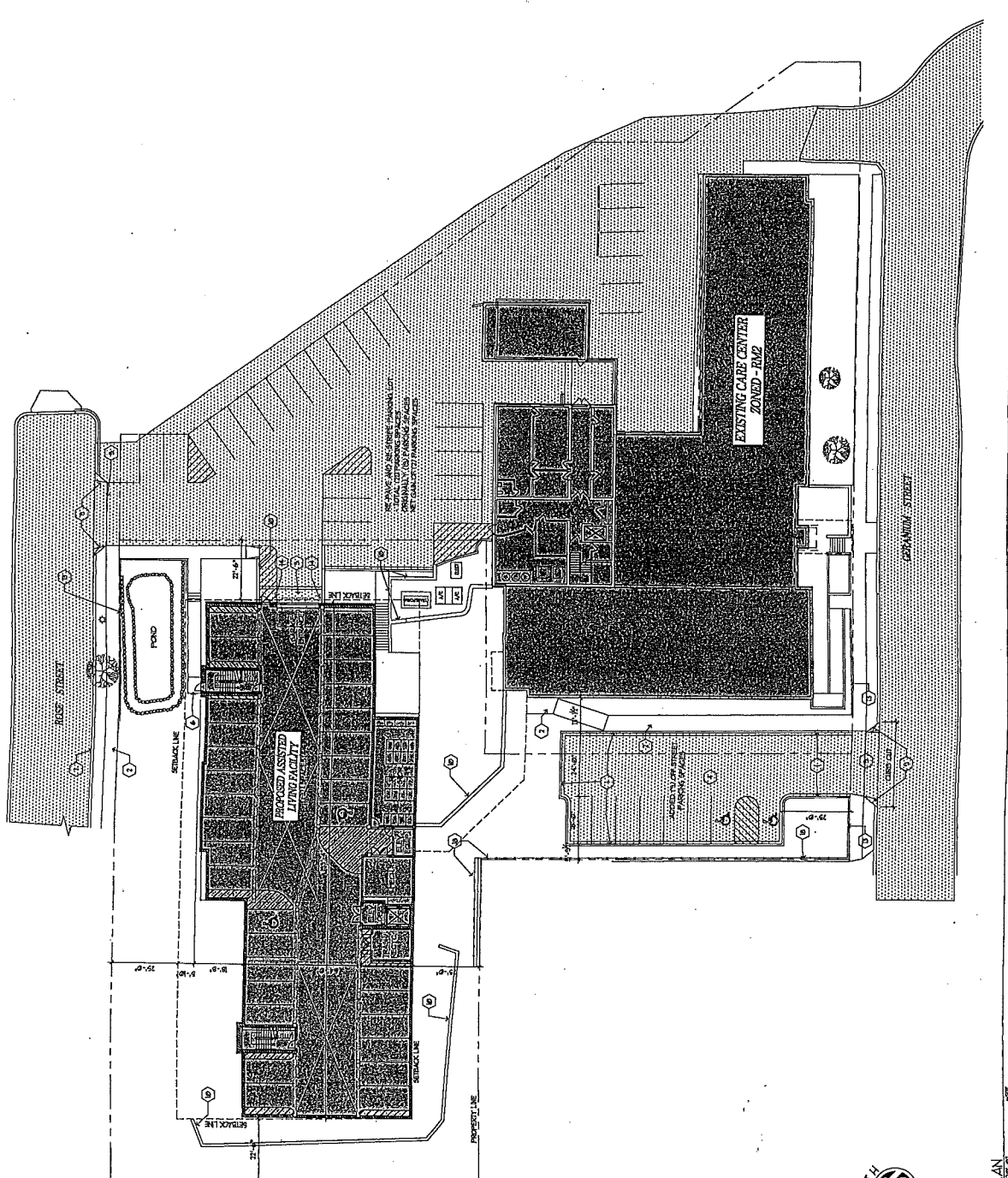
- A. SCREENED LINES INDICATE EXISTING TO REMAIN.  
B. TONED DRIVES INDICATE THE EXTENT OF HEAVY DUTY  
CONTINUOUS PAVING.  
C. SEE CIVIL DRAWINGS FOR EXTENT OF CONCRETE CURBS.

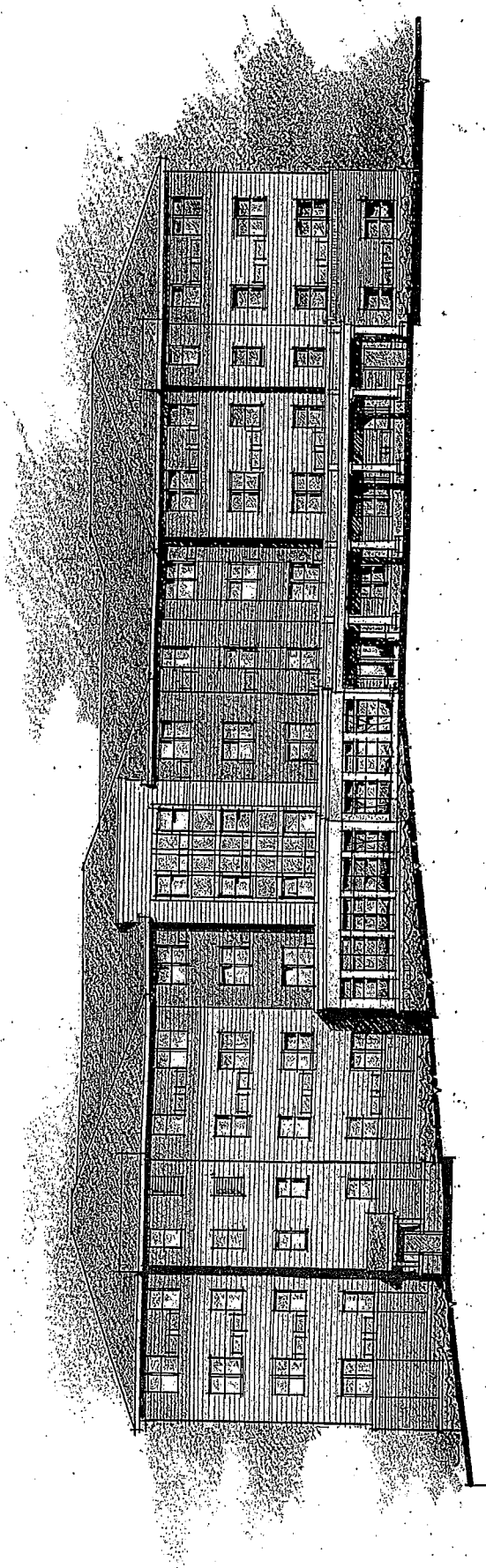
KEYED SITE PLAN NOTES:

- |    |   |
|----|---|
| 1  | CONCRETE CURB, SEE A12  |
| 2  | CONCRETE MULK, SEE A12  |
| 3  | EXHAUST, SEE MECHANICAL AND ELECTRICAL, PROVIDE CONCRETE CURB AND AS REQUIRED BY EQUIPMENT MANUFACTURER |
| 4  | ENTRANCE PARAPET, SEE A143  |
| 5  | ENTRANCE DOORWAY, SEE A143  |
| 6  | CONCRETE APRON  |
| 7  | CONCRETE EROOF  |
| 8  | ACCESSIBLE PARKING SIGN POST DIA12  |
| 9  | RAMP STEPS/ROCK UP TO CURB MAX SLOPE 1:6  |
| 10 | ACCESSIBLE CURB CUT   |
| 11 | RETAINING WALL - NEW  |
| 12 | FIRE ENTRANT  |
| 13 | TRENCH DRAIN  |
| 14 | DECORATIVE FENCE - SEE A143   |
| 15 | DOLLARD   |
| 16 | SITE SIGN   |
| 17 | GUTTERS   |
| 18 | DOORPOSTS   |
| 19 | CEMENT FENCE - SEE A143   |
| 20 | CHILLER PAD   |
| 21 | GENERATOR   |

## ZONING REGULATIONS

- [illegible]





1 NORTH ELEVATION (MAIN ENTRANCE ON ROSE STREET)  
SCALE: N.T.S.

EXTERIOR  
ELEVATION  
- MAIN ENTRANCE -

REVIEW SET  
NOT FOR  
CONSTRUCTION

9200919

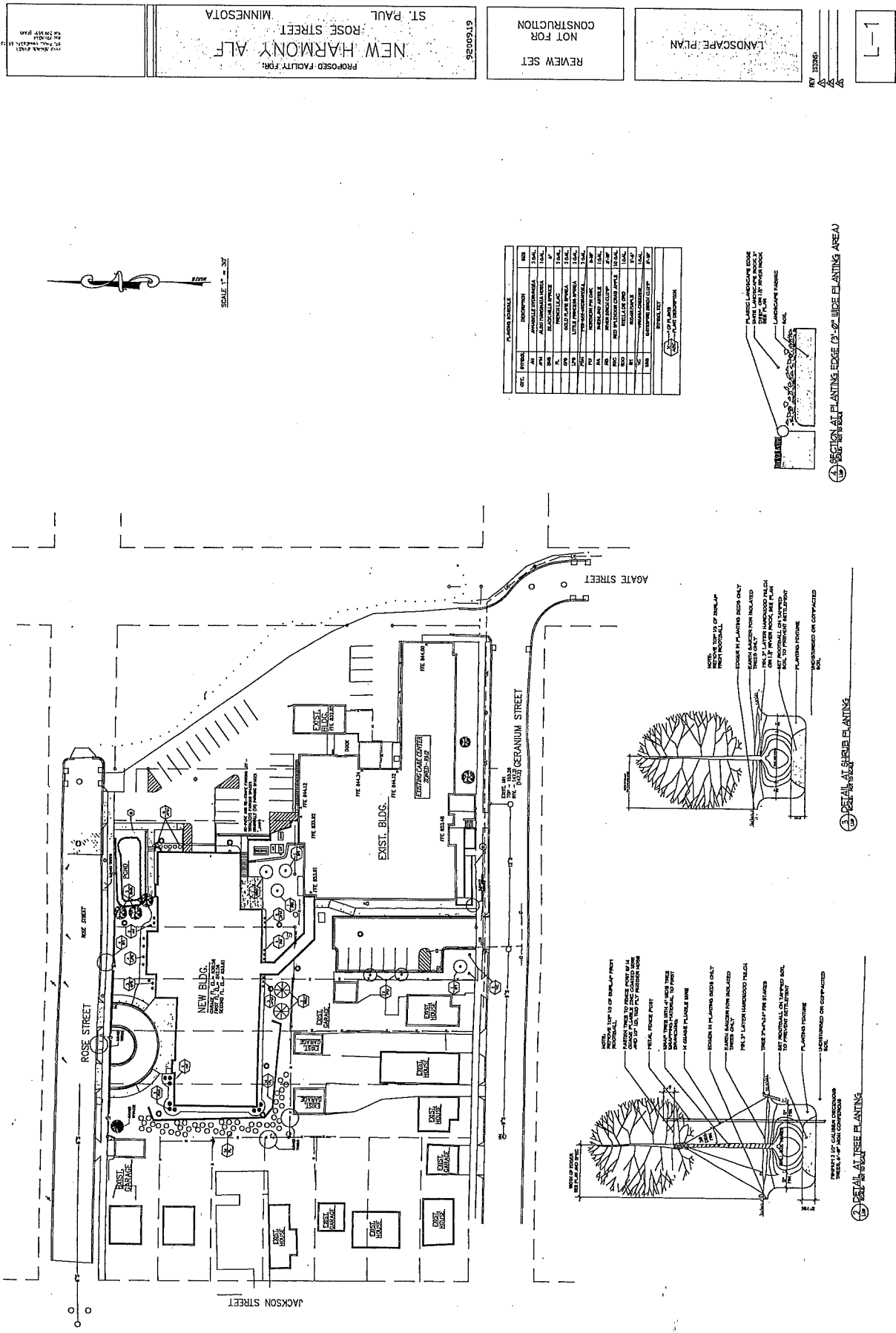
NEW HARMONY ALF  
ROSE STREET  
SAINT PAUL  
MINNESOTA



**Offices in Minnesota  
and Florida**

5/22/03

4.0



ST. PAUL  
ROSE STREET  
NEW HARMONY ALF  
PROPOSED FACILITY FOR  
MINNESOTA

67600056

REVIEW SET  
NOT FOR  
CONSTRUCTION

LANDSCAPE PLAN

1-1

Zone Change



311

POSE AVE E

GERANIUM AVE E

AGATE ST

#2

#3

#1

#4





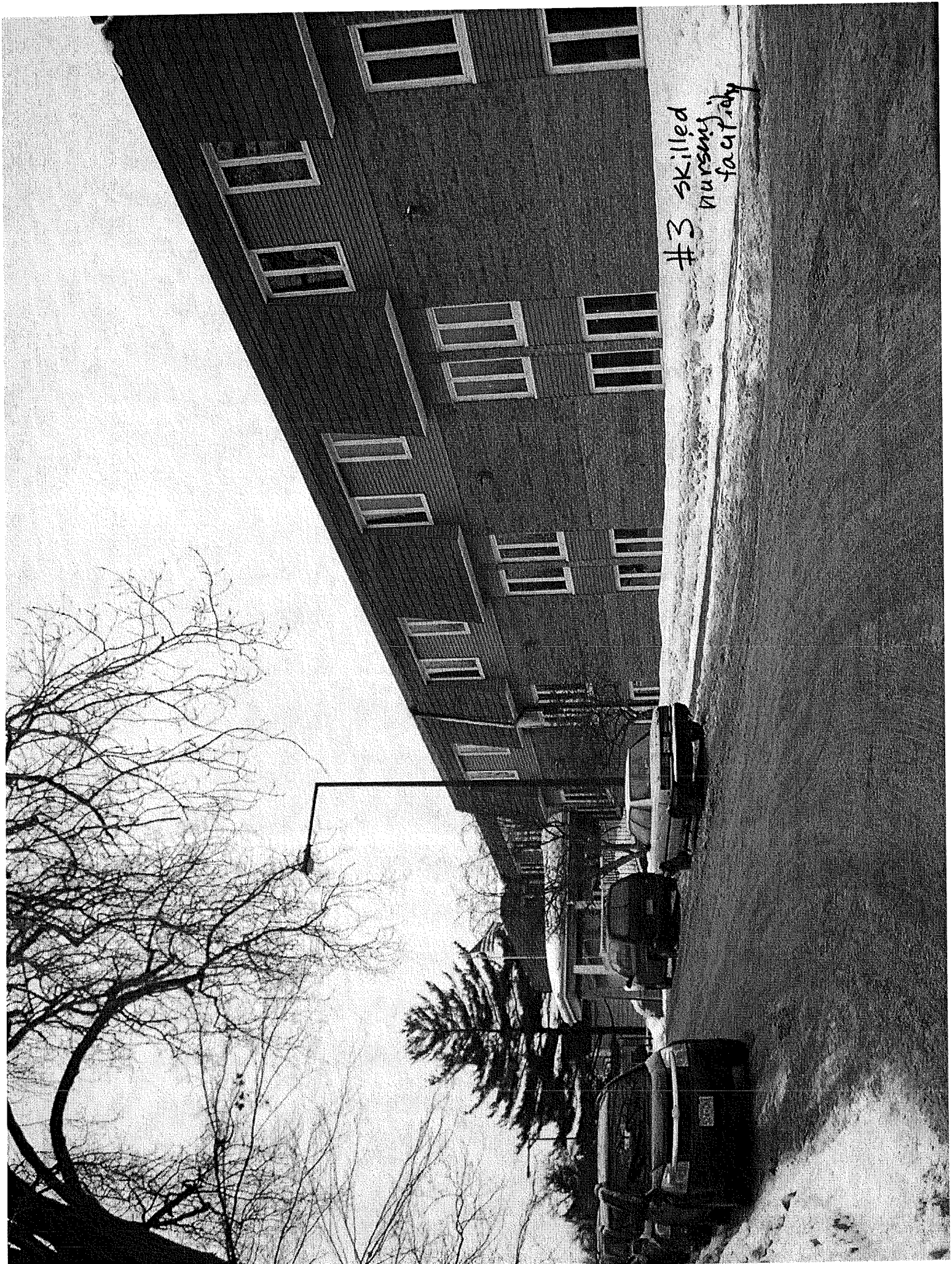
#1 site of  
assisted living  
facility



#2 site of assisted  
living facility



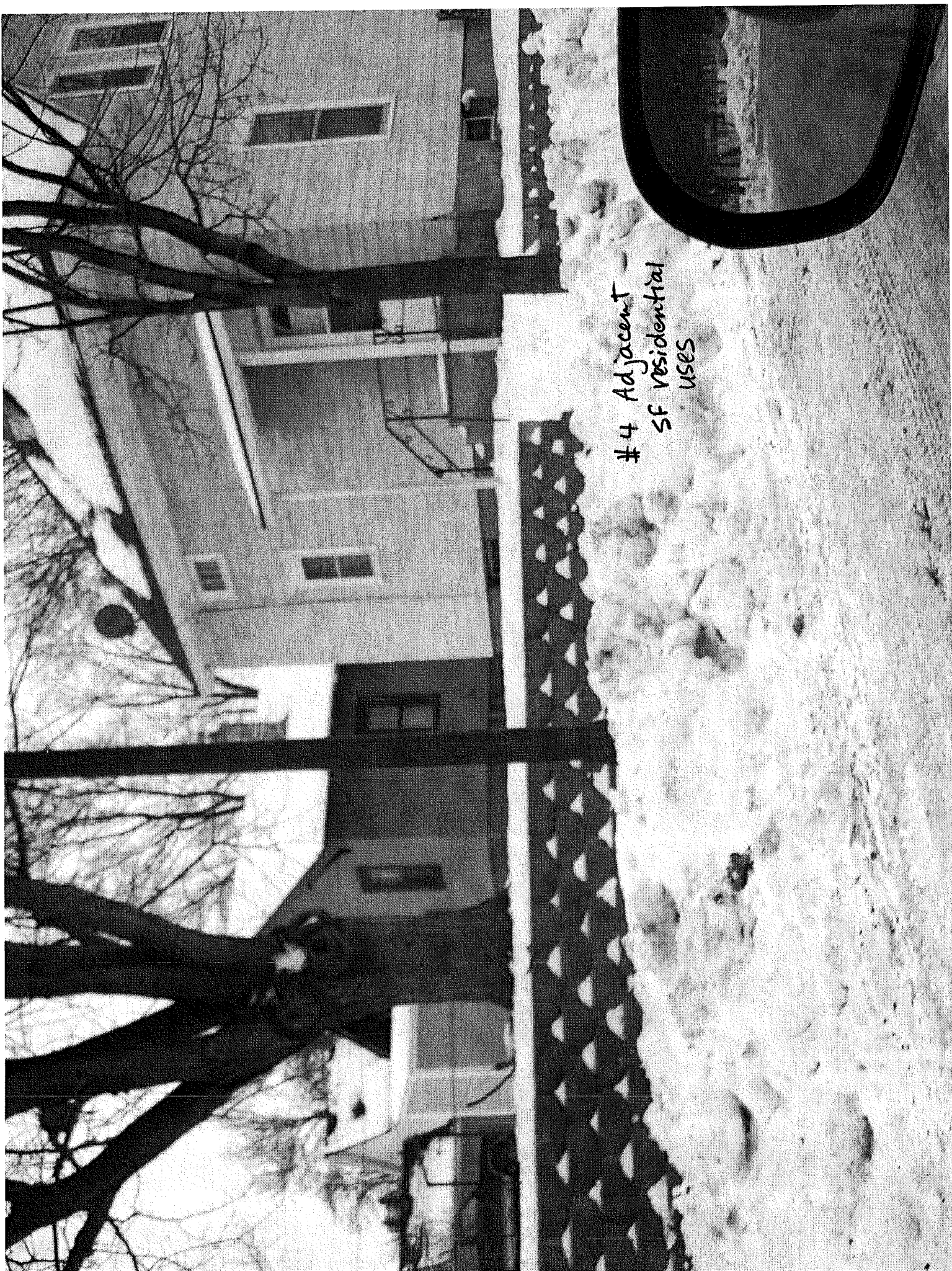




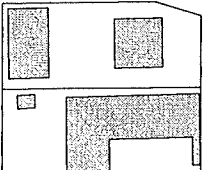
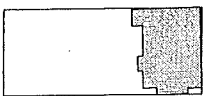
#3 skilled  
nursing  
facility



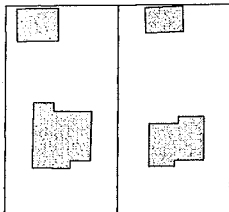
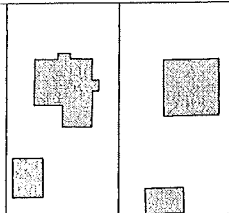
#4 Adjacent -  
SF Residential  
uses



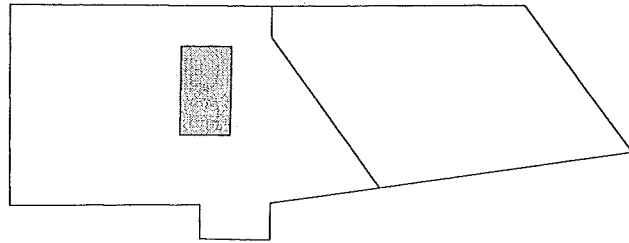
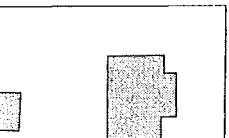
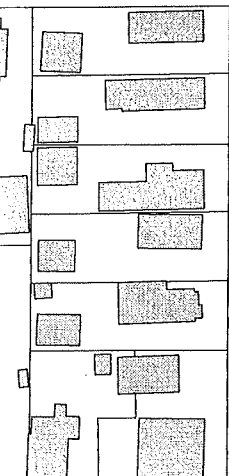




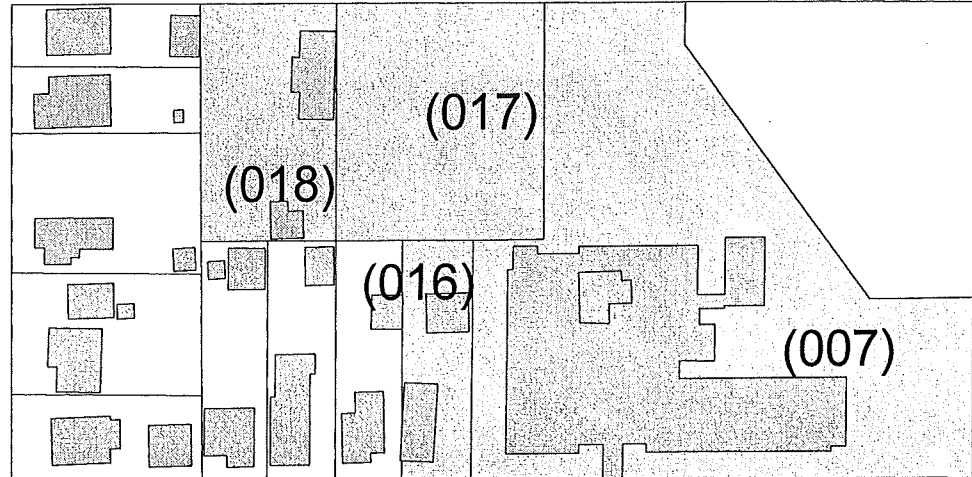
ROSE



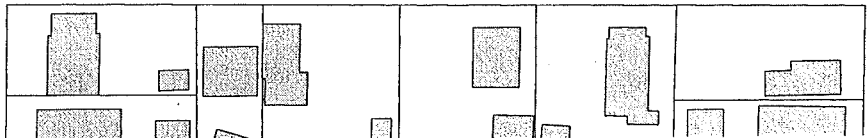
GERANIUM



ROSE



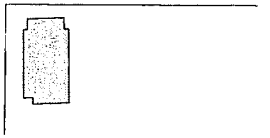
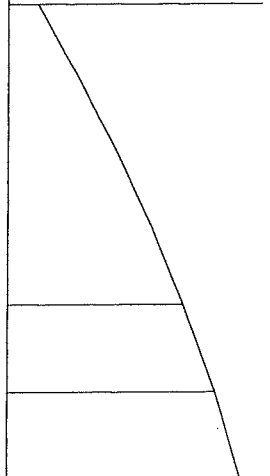
GERANIUM

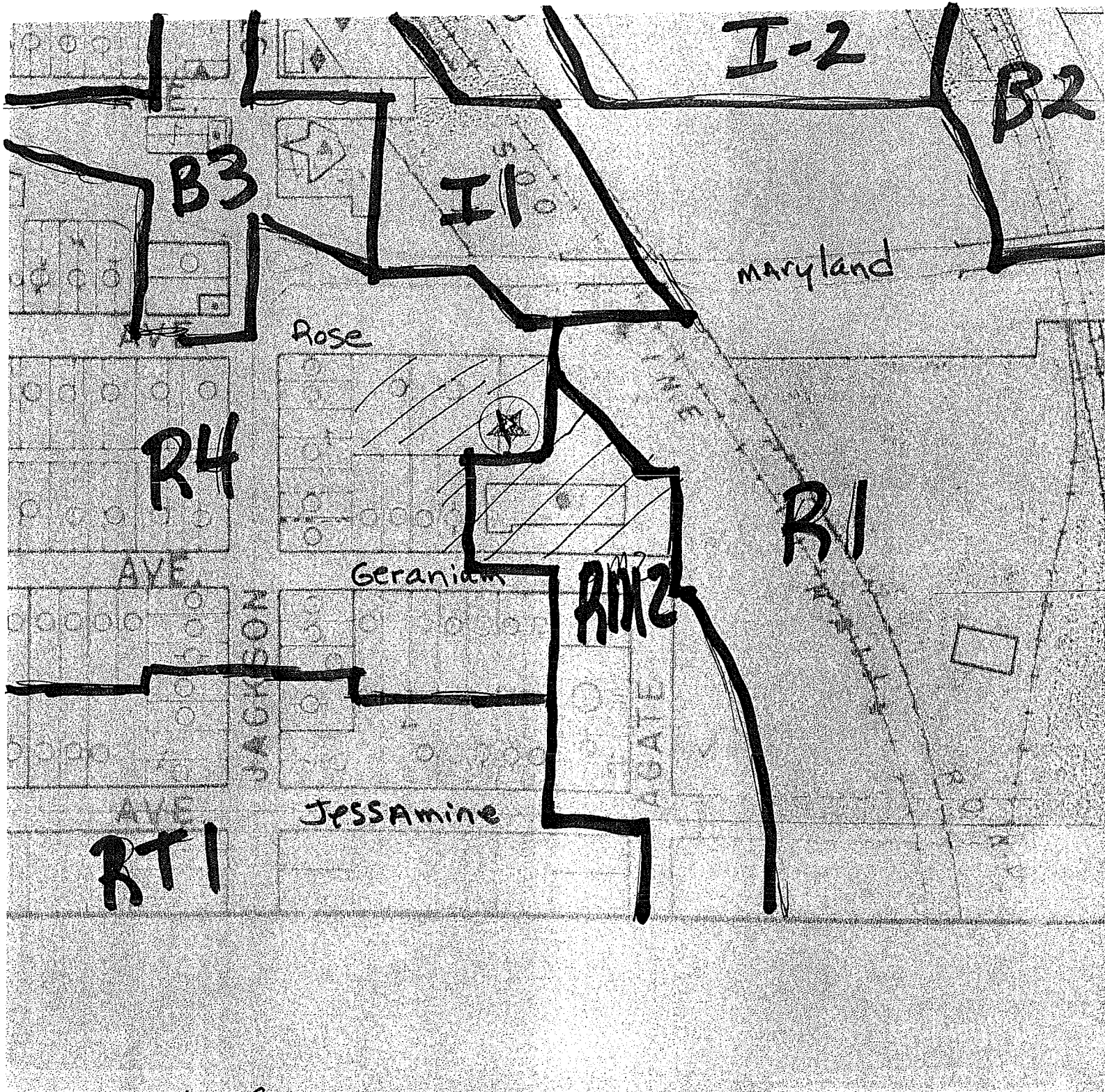


MARYLAND

ROSE

AGATE





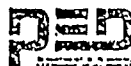
APPLICANT Elim Care Inc

PURPOSE Rez R4 → RM2

FILE # 10-003232 DATE 1-7-10

PLNG. DIST 6 MAP # 5

SCALE 1" = 100'



#### LEGEND

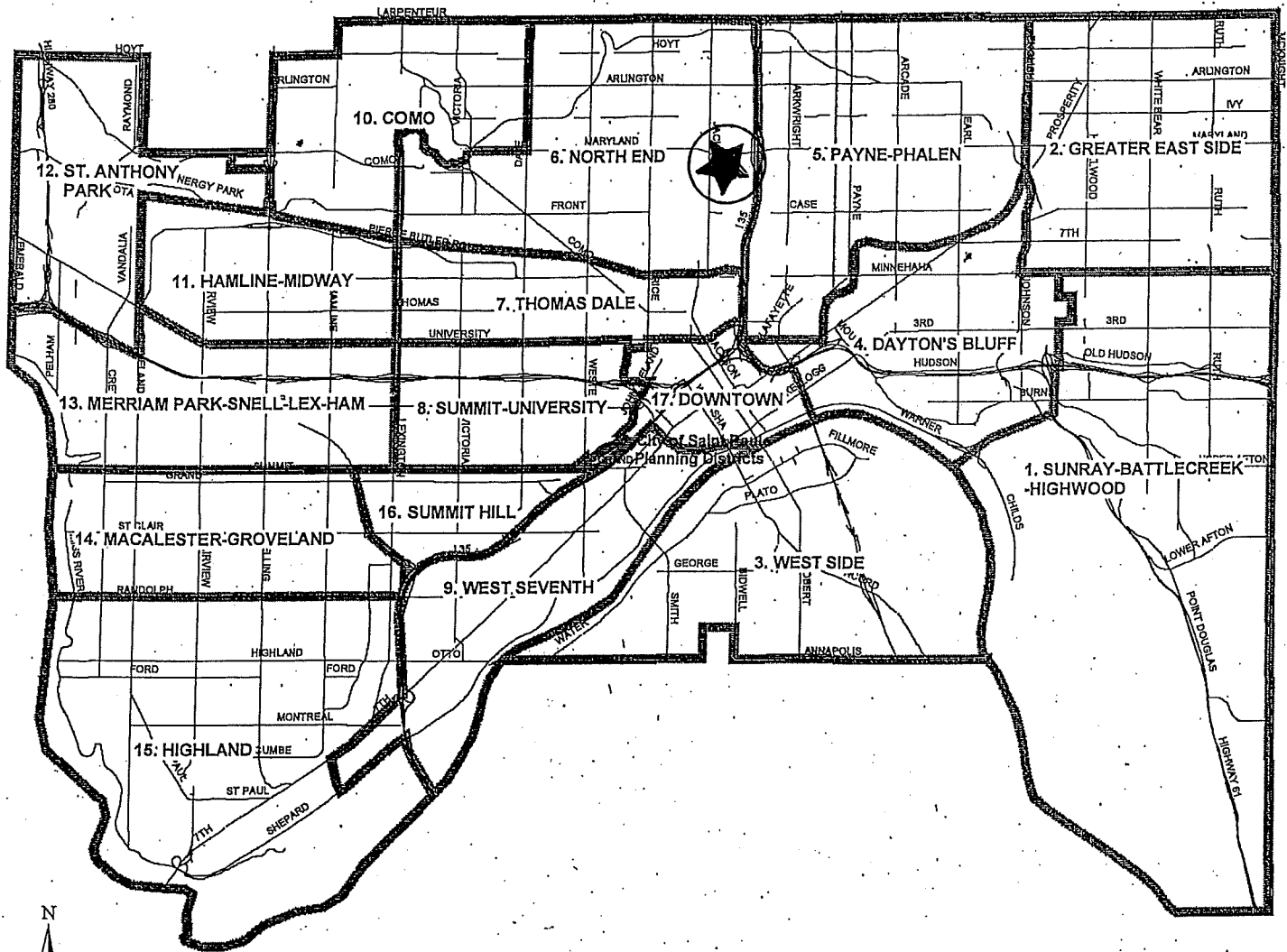
zoning district boundary

subject property

○ one family  
 ○ two family  
 ○ multiple family

north  
 • ▲ ○ commercial  
 ♦ industrial  
 V vacant

# CITIZEN PARTICIPATION DISTRICTS



## CITIZEN PARTICIPATION PLANNING DISTRICTS

1. SUNRAY-BATTLECREEK-HIGHWOOD
2. GREATER EAST SIDE
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLINE-MIDWAY
12. ST. ANTHONY
13. MERRIAM PK.-LEXINGTON HAMLINE
14. GROVELAND-MACALESTER
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

#10-003232

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** New Harmony Assisted Living **FILE #:** 10-003240
  2. **APPLICANT:** New Harmony Care Ctr Inc. **HEARING DATE:** January 28, 2010
  3. **TYPE OF APPLICATION:** Conditional Use Permit and Variances
  4. **LOCATION:** 130 Rose Ave E (118 & 130 Rose Ave E, 123 & 135 Geranium Ave E)
  5. **PIN & LEGAL DESCRIPTION:** 302922120017, 302922120018, 302922120016, and 302922120007; RANSOM'S ADDITION TO ST. PAUL LOTS 24 25 AND LOT 26 BLK 2, RANSOM'S ADDITION TO ST. PAUL LOTS 24 25 AND LOT 26 BLK 2, RANSOM'S ADDITION TO ST. PAUL LOT 11 BLK 2, SOO LINE PLAT NUMBER 4 LOTS 22 & 23 BLK 2 RANSOMS ADDITION & IN SD SOO LINE PLAT NUMBER 4 PART OF AGATE ST VAC ADJ EAST & LOT F, and RANSOM'S ADDITION TO ST. PAUL LOTS 27 AND LOT 28 BLK 2
  6. **PLANNING DISTRICT:** 6 **PRESENT ZONING:** R4
  7. **ZONING CODE REFERENCE:** § 65.180, §61.501; § 61.601; § 61.202(b)
  8. **STAFF REPORT DATE:** January 20, 2010 **BY:** Penelope Simison
  9. **DATE RECEIVED:** January 4, 2010 **60 DAY DEADLINE FOR ACTION:** March 5, 2010
- 

- A. **PURPOSE:** Conditional Use Permit for assisted living facility in the RM2 Medium Density Multiple family Residential district and variance to permit a driveway within 25 feet of the R4 district.
- B. **PARCEL SIZE:** 44,320 sq. ft.; 200 ft. frontage on Rose Street
- C. **EXISTING LAND USE:** Vacant land; single family residential building
- D. **SURROUNDING LAND USE:**  
North: Industrial (B3, I1)  
East: Parkland, railroad (R1)  
South: Multiple family residential, Single family residential (R4, RM2)  
West: Single family residential (R4)
- E. **ZONING CODE CITATION:** §65.180 permits assisted living facilities subject to standards and conditions listed in §65.182; §61.501 lists general requirements for all conditional uses; §61.202(b) authorizes the planning commission to grant variances when related to permits, using the required findings of §61.601.
- F. **HISTORY/DISCUSSION:** When the current Zoning Code was established in 1975, the site was located in the R4 district.
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 6 had not sent comments at the time the staff report was written.
- H. **FINDINGS:**
  1. The applicant, New Harmony Care Center Inc., proposes to construct, operate and maintain a 48-unit assisted living facility. The 49,010 s.f. building will be four stories, with a subterranean garage, for a height of 45 feet. The applicant proposes to provide 40 parking spaces for the proposed facility, including 32 spaces in a subterranean parking garage and eight spaces in a surface parking lot adjacent to the skilled nursing facility with access from Geranium Street; a single family residential structure on Geranium will be demolished for construction of the surface parking lot. An existing parking lot for the skilled nursing facility will be reconfigured to provide 21 parking spaces. In addition, the applicant proposes to construct a ground-level link between the existing skilled nursing facility and the proposed assisted living facility.
  2. §65.180 permits assisted living facilities that follow the standards and conditions for nursing homes in §65.182. Standard and condition (a) is applicable to the proposed project. Specifically, the yard requirements for multiple-family use in the district apply, including 25-foot front and rear yard setbacks and side yard setbacks equivalent to half the height of the proposed building. The proposed facility meets these requirements.

3. §61.501 lists five standards that all conditional uses must satisfy:

- (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.*

This condition is met. The proposed zoning is consistent with the Comprehensive Plan. The current Land Use and Housing chapters of the Comprehensive Plan support the production of housing. The Housing chapter (Policy 5.2) states, in part: *Promote good design solutions for housing that meets newer market needs and complements existing Saint Paul neighborhoods. . . .* The Land Use chapter (Policy 5.3.1) states: *Each of the 17 planning districts in the city should have life cycle housing, that is, a mixture of single-family housing, townhouses, condominiums, apartments, and seniors housing.*

The preliminarily approved Housing and Land Use chapters of the Comprehensive Plan update also support the production of housing. The Housing chapter (Policy 2.18) states: *Support the expansion of housing choices for seniors, particularly in neighborhoods that are underserved.* The Land Use chapter includes two policies, including promoting housing choices for people of all ages (Policy 1.39) and Policy 1.40, *Promote the development of a range of housing types and housing values in each of the 17 planning districts.*

The adopted North End-South Como District Plan (District 6) includes an unnumbered paragraph that reads, in part, *Among the priorities for new housing is the development of a variety of unit types to meet the life-cycle needs of neighborhood residents. Specifically missing from the current stock are units designed for older persons.*

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.*

This condition is met. There are two points of ingress and egress, one from Geranium Street and the other from Rose Street. Each is adjacent to parking areas for the facility. The site plan review for the project will ensure that ingress and egress are adequate.

- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.*

This condition is met. There is an existing skilled nursing facility adjacent to the site and, south of the skilled nursing facility, a small multiple family residential building. Both are in the RM2 district. Single family residential uses are south and west of the proposed project. The proposed project is a multiple-family residential facility for seniors that will be consistent with the existing mixed density residential character of the immediate neighborhood and not be detrimental to the public health, safety, and general welfare.

- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

This condition is met provided the City Council approves RM2 zoning for this site. The proposed use, an assisted living facility, will not impede the normal and orderly development of multiple-family residential uses permitted in the RM2 district. The site plan depicts a building that is compatible in scale to the adjacent skilled nursing facility and the multiple family residential building to the south.

- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition can be met provided the Planning Commission approves a variance from § 63.310 to permit a driveway within 25 feet of the R4 district.

The applicant has also requested two additional variances that are not needed:

- a variance from § 66.231 to permit 48 units in lieu of the 29 units permitted in the



RM2 Medium Density Multiple Family district.

The applicant proposes to provide 32 parking spaces in a subterranean garage. Under § 66.231(c), an applicant is permitted the development of additional units when parking is provided within a multiple-family structure or completely underground. The formula to calculate the maximum number of units possible on the applicant's parcel yields a maximum of 49 units. Thus, no variance is needed to develop the number of units proposed by the applicant.

- a variance from § 63.312 to permit parking in a required yard setback.

The applicant proposes to construct a surface parking lot on Geranium Street. A single family house would be demolished for construction of the parking lot. There would be eight spaces in the parking lot, intended to be used by employees of the assisted living facility. The intent of the code is to require that there be a reasonable distance between a building and the property line so as to allow air and light to buildings and to retain green space buffers between uses. The height of the skilled nursing facility on the west is 25 feet, so the required setback is 12.5 feet, or half of the height of a building in an RM2 district. The eastern edge of the proposed surface parking lot is 13.1 feet from the building. Thus, no variance is needed to permit parking in a required yard setback.

4. Section 61.601 sets out the required findings for a variance of the Zoning Code:

- (a) The property in question cannot be put to a reasonable use under the strict provision of the code.* This finding is not met. The applicant proposes to construct a surface parking lot west of the skilled nursing facility. A single family house would be demolished to allow construction of the parking lot. The parking lot would have eight spaces, which, with 32 spaces in the subterranean garage, provides 40 spaces for the proposed assisted living facility. Required parking for the proposed facility totals 22 spaces. Thus, the development is providing 18 spaces, or 82 percent, more than required. The eight spaces proposed for the surface parking lot represent 36 percent more than are required. To demolish a single family house to provide 36 percent more parking than required by the Zoning Code is not a reasonable use of the property in question.
- (b) The plight of the landowner is due to circumstances unique to his property, and these circumstances were not created by the landowner.* This finding is not met. The applicant proposes to construct a surface parking lot with access from Geranium Street. This site and the remainder of the property, including the existing skilled nursing facility and the proposed assisted living facility, are on different grades from each other. A surface parking lot on Geranium Street could not be accessed from the northern end of the site.
- (c) The proposed variance is in keeping with the spirit and intent of the code, and is consistent with the health, safety, comfort, morals and welfare of the inhabitants of the City of Saint Paul.* This finding is not met. The purpose of the 25 ft. distance requirement is to provide a buffer between single family homes and the traffic generated by multi-family uses. Since this parking is not required, the variance would not be consistent with the health, safety, comfort, morals and welfare of the single family property next door.
- (d) The proposed variance will not impair an adequate supply of light and air to adjacent property, nor will it alter the essential character of the surrounding area or unreasonably diminish established property values within the surrounding area.* This finding is met. The distance between the skilled nursing facility and the property line of the R4 district is 60.4 feet. The driveway is 23.6 feet from the R4 district. A green space buffer would be provided along the westerly property line, adjacent to the single family residential use to the west. The proposed variance to permit a driveway within 25 feet of the R4 district will not

impact an adequate supply of light and air to the adjacent property.

- (e) *The variance, if granted, would not permit any use that is not permitted under the provisions of the code for the property in the district where the affected land is located, nor would it alter or change the zoning district classification of the property.* This finding is met. Parking is required for medium density multiple family residential uses in the RM2 district. Therefore, approval of the variance for the driveway of the proposed surface parking lot will not permit a use that is not permitted in the RM2 district nor alter the RM2 classification of the property.
- (f) *The request for variance is not based primarily on a desire to increase the value or income potential of the parcel of land.* This finding is met. The request for the variance would be to provide parking for employees of the proposed assisted living facility.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the conditional use permit for an assisted living facility for 48 units, subject to the following additional conditions:

1. The City Council approves the zone change from R4 to RM2, as requested in Zoning File # 10-003232.
2. The site plan for the development is approved by City staff.

Staff further recommends denial of the variance to permit a driveway within 25 feet of the R4 district



# CONDITIONAL USE PERMIT APPLICATION

Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102-1634  
(651) 266-6589

Zoning office use only

File # 10-003240

Fee: 500.00

Tentative Hearing Date:

1-28-10

PD=6

# 302922120007

## APPLICANT

Name Lorne Christensen, Elim Care, Inc.

Address 7485 Office Ridge Circle

City Eden Prairie St. MN Zip 55344 Daytime Phone 952-25-4465

Name of Owner (if different) See Attached Sheet

Contact Person (if different) \_\_\_\_\_ Phone 952-259-4500

## PROPERTY LOCATION

Address / Location Jackson & Rose Streets

Legal Description Lots 22-28 and Lot 11, Block 2 Ransom's Addition to Saint Paul

Current Zoning R4 to an RM2

(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of

Chapter \_\_\_\_\_, Section \_\_\_\_\_, Paragraph \_\_\_\_\_ of the Zoning Code.

**SUPPORTING INFORMATION:** Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

A conditional use permit would allow the owner to build 48-Units of Assisted Living in a re-zoned RM2 from an R4 zoning. The adjoining property is a skilled nursing facility of 88-Beds in an RM2 zone. Both pieces of property would then be in an RM2 zoning with assisted and skilled care residents.

CK 1382  
500<sup>00</sup>  
CUP W/VAR

☒ Required site plan is attached

Applicant's Signature

*[Signature]*

Date

12/30/09

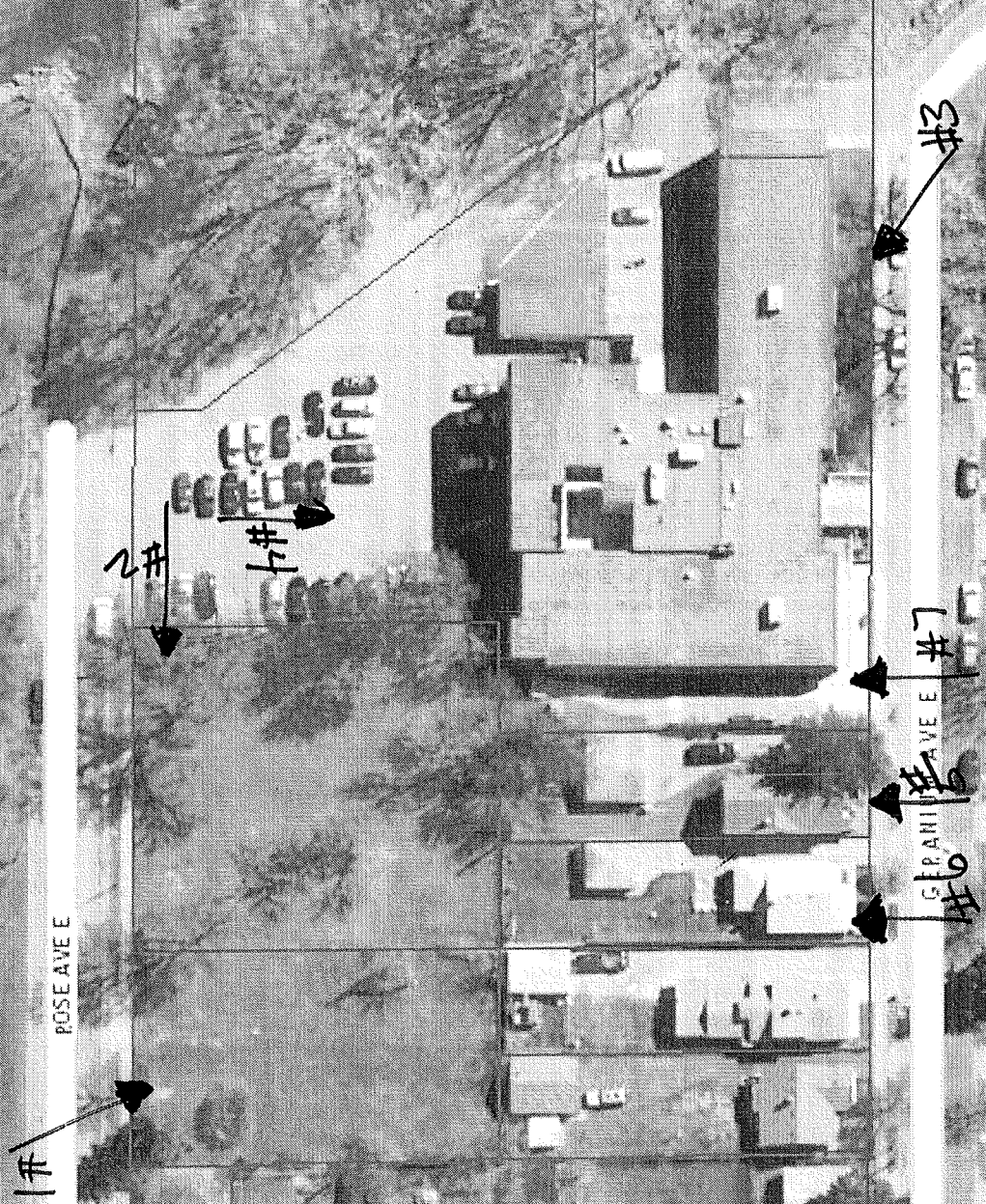
City Agent

*[Signature]*  
1-4-10



Conditional Use & Variances

31

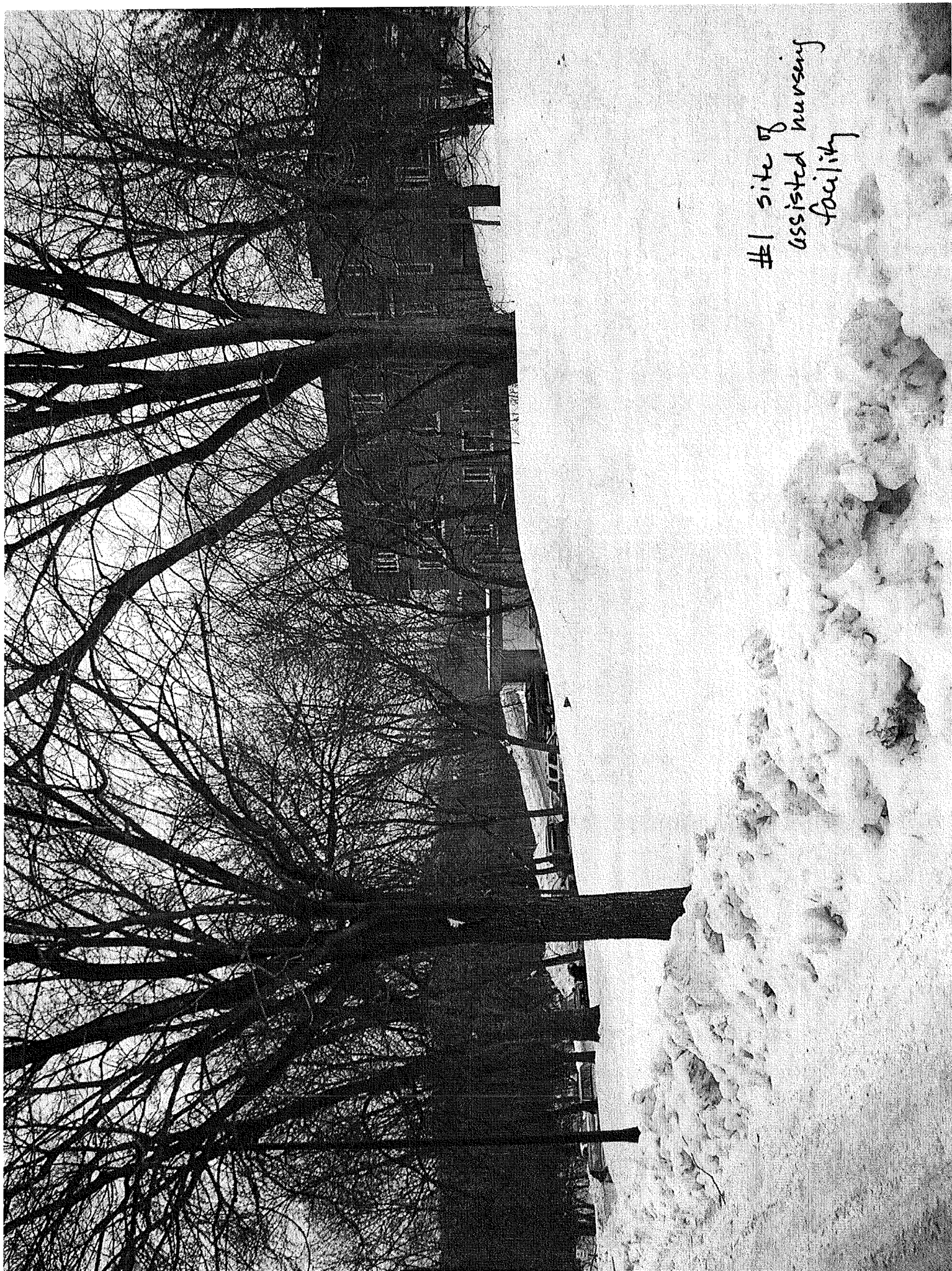


THIS IS NOT A LEGAL DOCUMENT

City of Saint Paul - Public Works, Technical Services



#1 site of  
assisted nursing  
facility





#2 site of  
assisted nursing  
facility







#3 skilled nursing facility





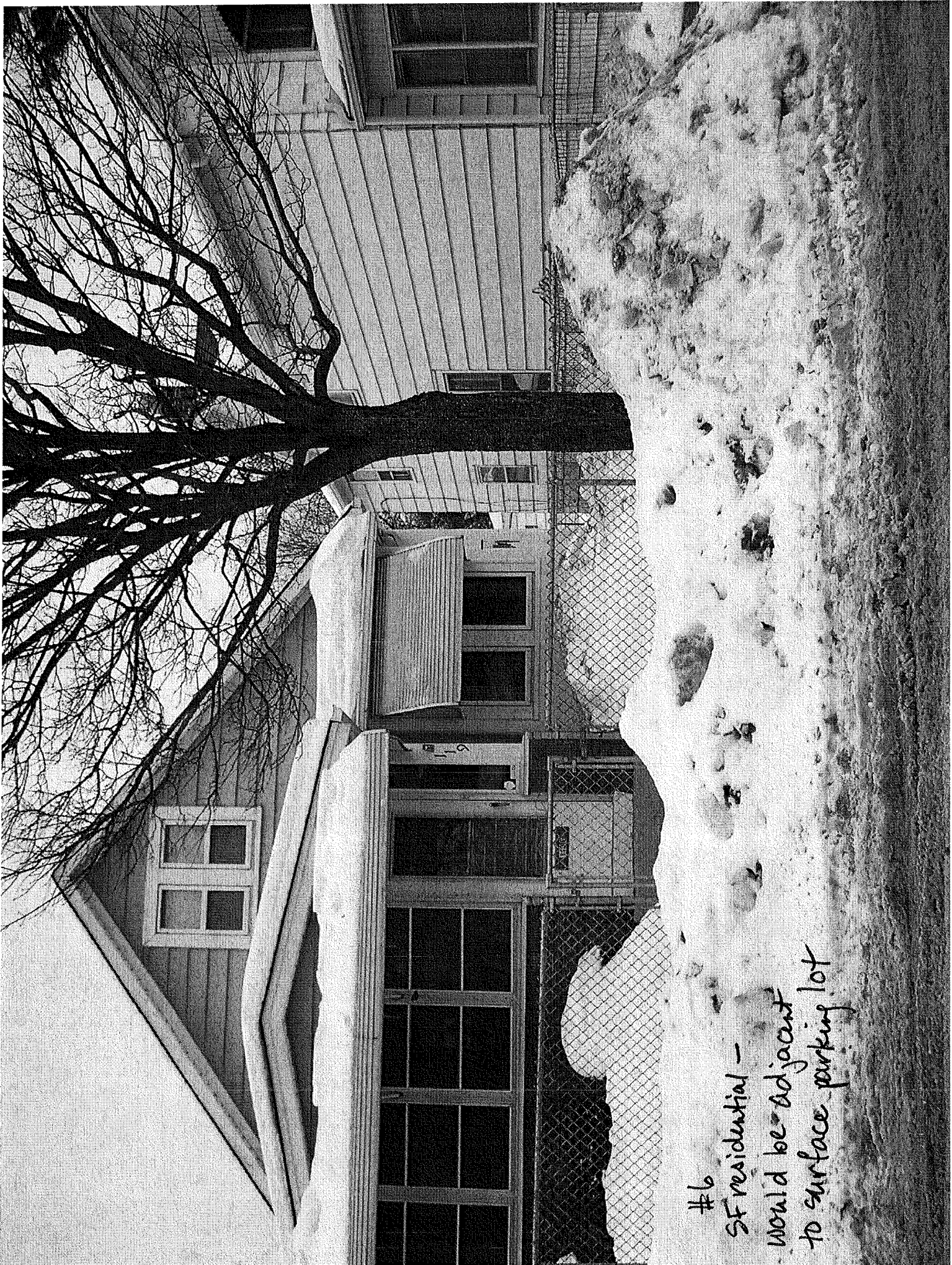
#4 rear of skilled  
nursing facility -  
surface parking lot





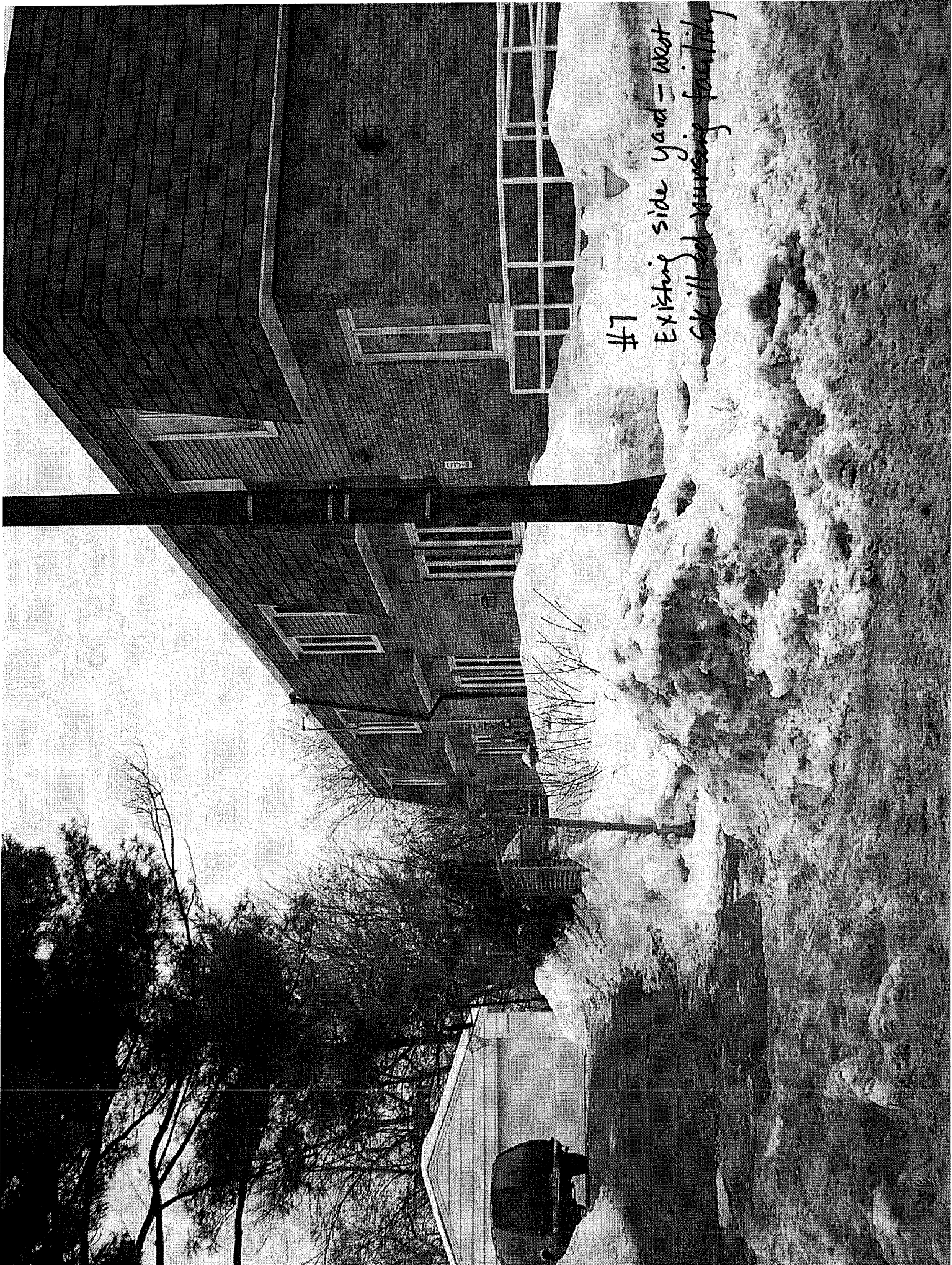
#5  
Site of proposed  
surface parking lot —  
to be demolished





#6  
SF residential -  
would be adjacent  
to surface parking lot





#7

Existing side yard - West  
Skill ed nursing facility





**APPLICATION FOR ZONING VARIANCE**  
*Department of Safety and Inspections*  
375 Jackson Street  
Suite 220  
Saint Paul, MN 55101-1806  
General: 651-266-9008  
Fax: (651) 266-9099

**Zoning office use only**  
File Number: \_\_\_\_\_  
Fee: \$ \_\_\_\_\_  
Tentative Hearing Date: \_\_\_\_\_  
Section(s) \_\_\_\_\_  
City agent \_\_\_\_\_

PD =

#

**APPLICANT**

Name Lorne Christensen Company Elim Care, Inc.  
Address 7485 Office Ridge Circle  
City Eden Prairie St. MN Zip 55344 Daytime Phone 952-259-4465  
Property Interest of Applicant (owner, contract purchaser, etc) \_\_\_\_\_  
Name of Owner (if different) See Attached Sheet Phone 952-259-4500

**PROPERTY  
INFORMATION**

Address / Location Jackson and Rose Street  
Legal Description Lots 22-28 and Lot 11, Block 2, Ransom's Addition to Saint Paul  
(attach additional sheet if necessary)  
Lot Size 38,777 SF Present Zoning RM2 Present Use Empty Lots  
Proposed Use 48-Units of Assisted Living

**Variance[s] requested:**

**Supporting Information:** Supply the necessary information that is applicable to your variance request, provide details regarding the project, and explain why a variance is needed. Duplex/triplex conversions may require a pro forma to be submitted. Attach additional sheets if necessary.

The Zoning to an RM2, along with a Conditional Use Permit allows for Assisted Living in a RM2 Zone. By the Zoning Ordinance, the site could allow for 25-Units. A Variance is requested to allow for 48-Units that are smaller in size. All other parts of the RM2 Zoning are to be accomplished by this design.

Attachments as required:

☒ Site Plan

☒ Attachments

☒ Pro Forma

Applicant's Signature

Date

12/30/09



**APPLICATION FOR ZONING VARIANCE**  
*Department of Safety and Inspections*  
375 Jackson Street  
Suite 220  
Saint Paul, MN 55101-1806  
General: 651-266-9008  
Fax: (651) 266-9099

**Zoning office use only**

File Number: \_\_\_\_\_

Fee: \$ \_\_\_\_\_

Tentative Hearing Date: \_\_\_\_\_

Section(s): \_\_\_\_\_

City agent: \_\_\_\_\_

**APPLICANT**

Name Lorne Christensen Company Elm Care, Inc.  
Address 7485 Office Ridge Circle  
City Eden Prairie St. MN Zip 55344 Daytime Phone 952-259-4465  
Property Interest of Applicant (owner, contract purchaser, etc) \_\_\_\_\_  
Name of Owner (if different) See Attached Sheet Phone 952-259-4500

**PROPERTY  
INFORMATION**

Address / Location Jackson and Rose Street  
Legal Description Lots 22-28 and Lot 11, Block 2, Ransom's Addition to Saint Paul  
(attach additional sheet if necessary)  
Lot Size 38,777 SF Present Zoning R4 Present Use Single Family  
Proposed Use 48-Units of Assisted Living & Visitor Parking for the Skilled Nursing Facility

**Variance[s] requested:**

**Supporting Information:** Supply the necessary information that is applicable to your variance request, provide details regarding the project, and explain why a variance is needed. Duplex/triplex conversions may require a pro forma to be submitted. Attach additional sheets if necessary.

The Zoning to an RM2, along with a Conditional Use Permit allows for Assisted Living in a RM2 Zone. By the Zoning Ordinance, the site could allow for 25-Units. A Variance is requested to allow for 48-Units that are smaller in size. All other parts of the RM2 Zoning are to be accomplished by this design.

1. Under 63.312, a variance to permit parking in a required yard. This refers to the small parking lot adjacent to the existing building.
2. Under 63.310, a variance to permit a driveway within 25 feet of an R4 zone. This also refers to the entrance to the small parking adjacent to the existing building.

Minnesota Dept. of Health does not allow parking or other obstacles within 30' of a resident window which is why the drive lane is closest to the Skilled Nursing Home and the parking next to the R4 lot.

Attachments as required:



Site Plan



Attachments



Pro Forma

Applicant's Signature \_\_\_\_\_

Date 01.13.10

11  
A

REVISIONS

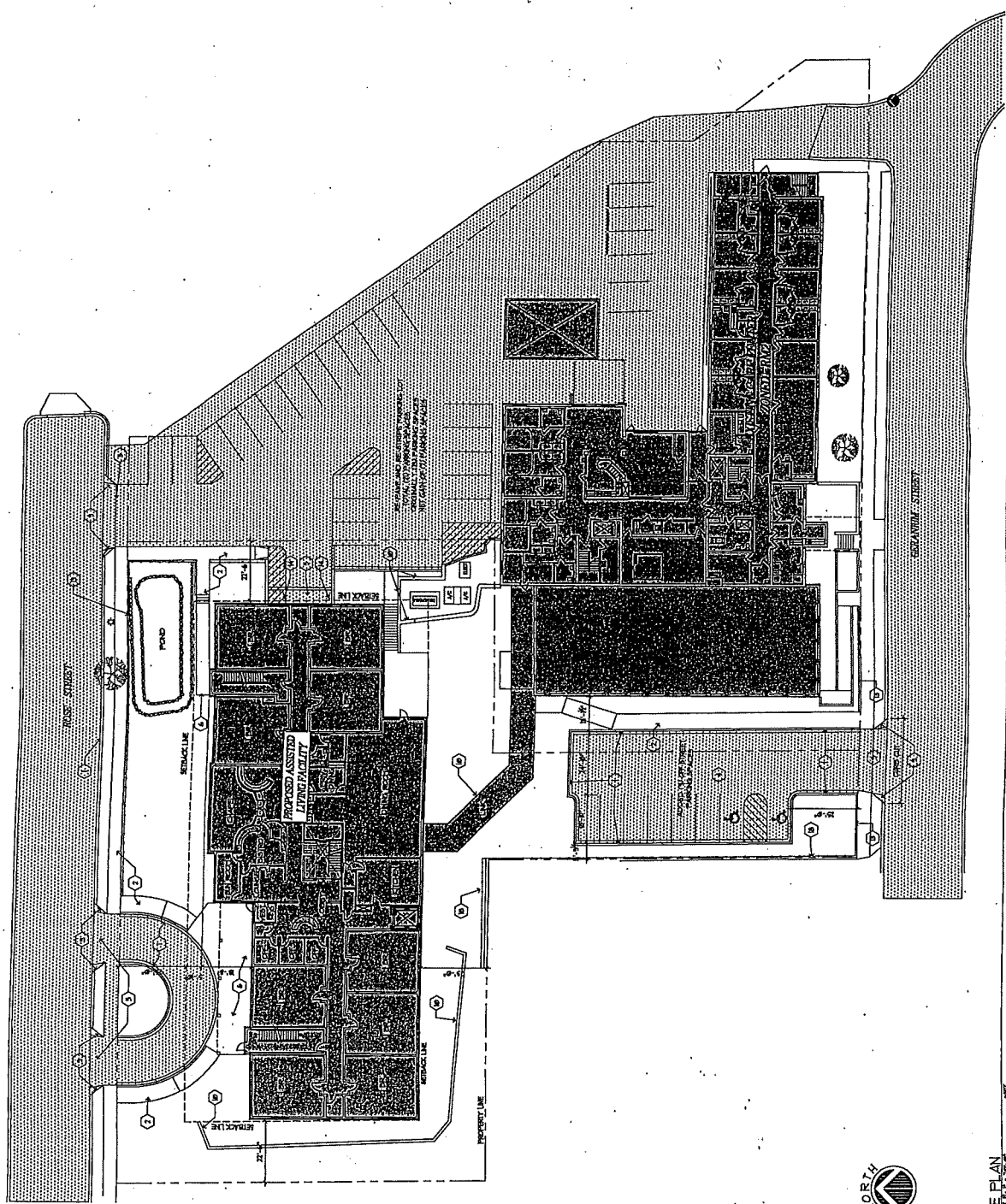
PROPOSED  
ARCHITECTURAL  
SITE PLAN

REVIEW SET  
NOT FOR  
CONSTRUCTION

STUDIOS

NEW HARMONY ALF  
ROSE & STREET  
SAINT PAUL  
MINNESOTA

WAI  
CONTINUUM  
Office in Minnesota  
and Florida  
381 East Kellogg Blvd  
Saint Paul, MN 55101  
P: 651-223-5962  
F: 651-223-5962



**GENERAL SITE PLAN NOTES:**  
 A. SCREENED LINES INDICATE EXISTING TO REMAIN.  
 B. TONED DRIVINGS INDICATE THE EXTENT OF HEAVY DUTY BITUMINOUS PAVEMENT.  
 C. SEE CIVIL DRAWINGS FOR EXTENT OF CONCRETE CURBS.

**KEYED SITE PLAN NOTES:**

- 1 CONCRETE CURB, SEE A3
- 2 CONCRETE WALK, SEE A3
- 3 EXISTING SEE MECHANICAL AND ELECTRICAL, NEW POLE CONCRETE PAD AS REQUIRED BY EQUIPMENT MANUFACTURER
- 4 BITUMINOUS PAVEMENT, SEE VALS
- 5 BITUMINOUS DRIVEWAY, SEE BAZ
- 6 CONCRETE APPROX
- 7 CONCRETE SLOOP
- 8 ACCESSIBLE PARKING SIGN POST TUMBL
- 9 RAMP SLOPES UP TO CURB MAX SLOPE 1:8
- 10 ACCESSIBLE CURB CUT
- 11 RETAINING WALL - MS
- 12 FIRE HYDRANT
- 13 TRENCH DRAIN
- 14 DECORATIVE FENCE - SEE VALS
- 15 BOLLARD
- 16 SITE SIGN
- 17 GETTERS
- 18 DOWNPOUTS
- 19 CEDAR FENCE - SEE VALS
- 20 CALLER PAD
- 21 GENERATOR

**WAI CONTINUUM**  
 Offices in Minnesota and Florida  
 381 East Kellogg Blvd  
 Suite 100  
 St. Paul, MN 55101  
 P: 651-227-8644  
 F: 651-227-8652

NEW HARMONY ALF  
 ROSE STREET  
 SAINT PAUL  
 MINNESOTA

9/23/2019  
 REVIEW SET  
 NOT FOR CONSTRUCTION

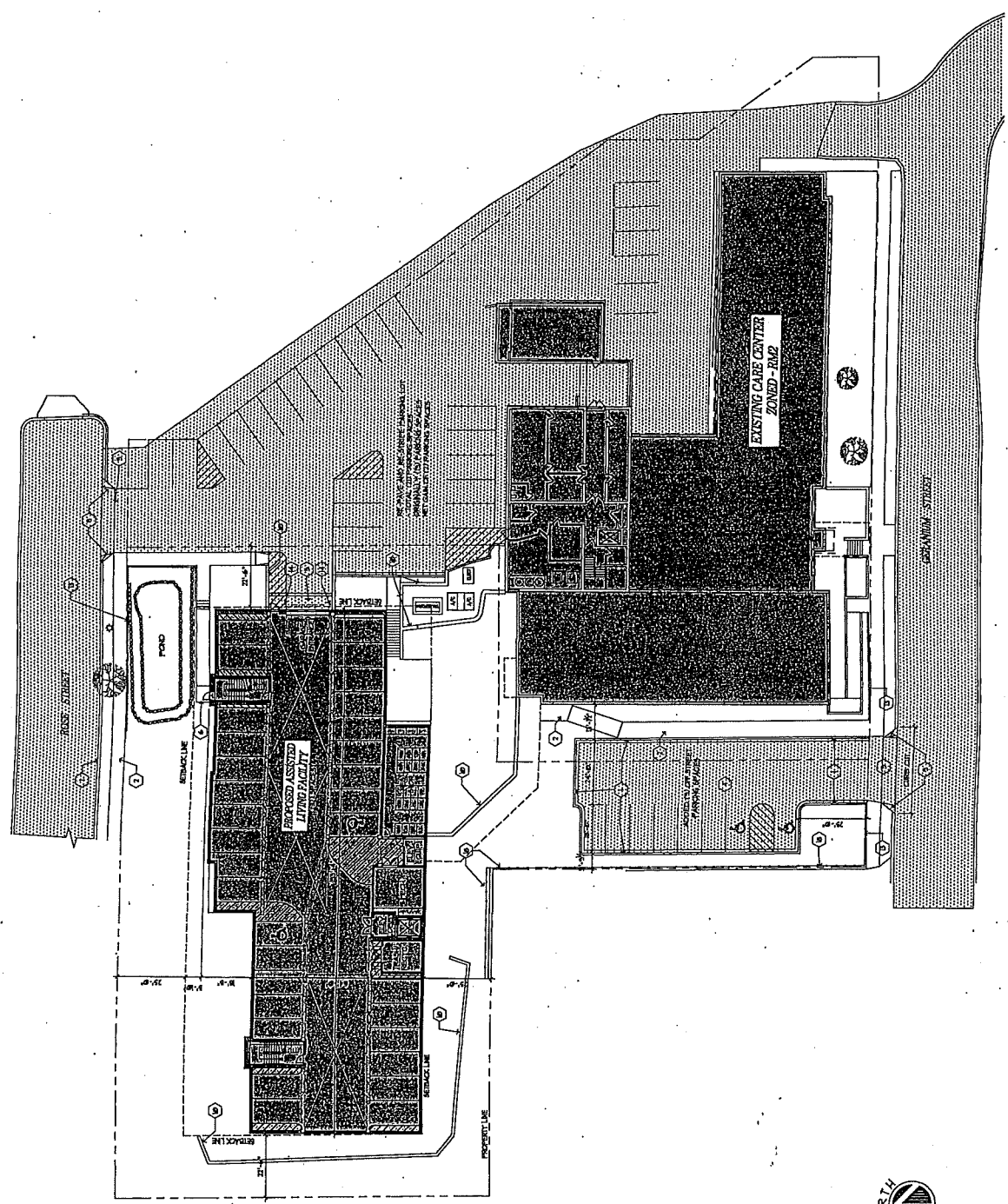
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 ARCHITECTURAL  
 SITE PLAN  
 9/23/2019

REVISIONS

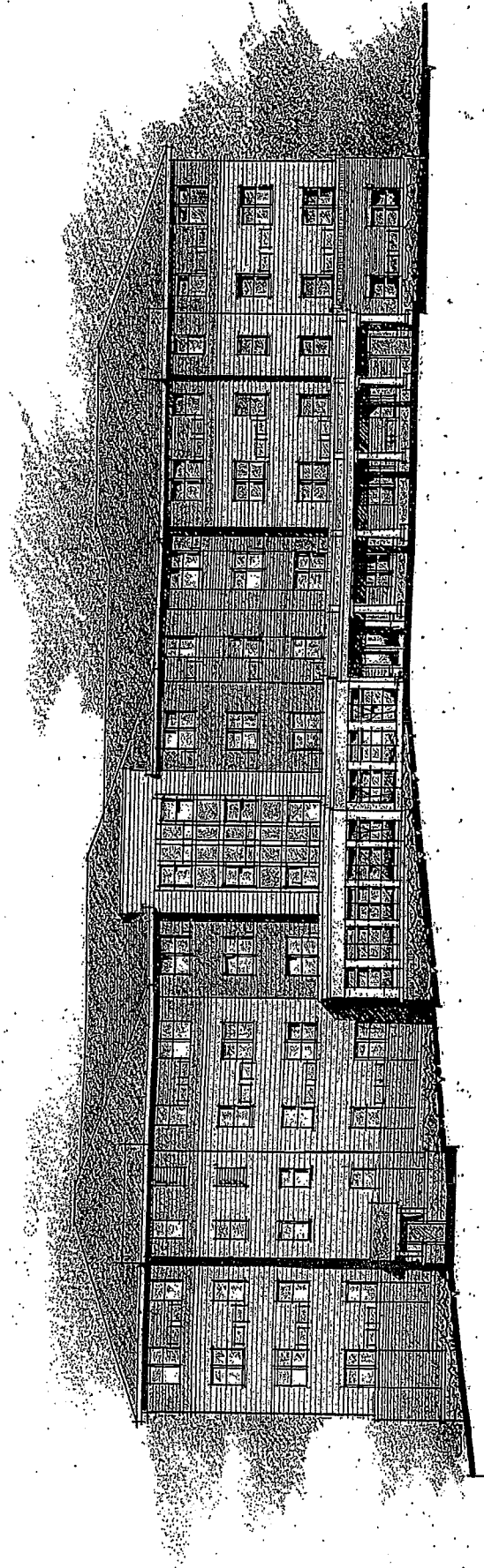
NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		

**ZONING REGULATIONS**

1. EXISTING ZONING DISTRICTS  
 A. PROPOSED REDUCED DISTRICT
2. SETBACKS REGULATIONS  
 A. FRONT YARD  
 B. SIDE YARD  
 C. BACK YARD  
 D. PARKING  
 E. DRIVEWAYS  
 F. SIDEWALKS  
 G. STORMS  
 H. RESULT IN FEET ALLOWED  
 I. ACTUAL HEIGHT  
 J. ACTUAL LOT SIZE
3. LOT COVERAGE  
 A. PRINCIPAL STRUCTURE FOOTPRINT  
 B. PRINCIPAL STRUCTURE ROOF  
 C. PRINCIPAL STRUCTURE ROOF  
 D. PRINCIPAL STRUCTURE ROOF  
 E. PRINCIPAL STRUCTURE ROOF  
 F. PRINCIPAL STRUCTURE ROOF  
 G. PRINCIPAL STRUCTURE ROOF  
 H. PRINCIPAL STRUCTURE ROOF  
 I. PRINCIPAL STRUCTURE ROOF  
 J. PRINCIPAL STRUCTURE ROOF
4. OFF STREET PARKING REQUIRED  
 A. SPACE PER 3 UNITS + 1  
 B. SPACE PER 3 UNITS + 1  
 C. SPACE PER 3 UNITS + 1  
 D. SPACE PER 3 UNITS + 1  
 E. SPACE PER 3 UNITS + 1  
 F. SPACE PER 3 UNITS + 1  
 G. SPACE PER 3 UNITS + 1  
 H. SPACE PER 3 UNITS + 1  
 I. SPACE PER 3 UNITS + 1  
 J. SPACE PER 3 UNITS + 1
5. NUMBER OF ACCESSIBLE SPACES  
 A. NUMBER OF ACCESSIBLE SPACES  
 B. NUMBER OF ACCESSIBLE SPACES  
 C. NUMBER OF ACCESSIBLE SPACES  
 D. NUMBER OF ACCESSIBLE SPACES  
 E. NUMBER OF ACCESSIBLE SPACES  
 F. NUMBER OF ACCESSIBLE SPACES  
 G. NUMBER OF ACCESSIBLE SPACES  
 H. NUMBER OF ACCESSIBLE SPACES  
 I. NUMBER OF ACCESSIBLE SPACES  
 J. NUMBER OF ACCESSIBLE SPACES
6. TOTAL PARKING PROVIDED

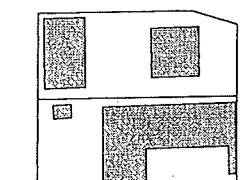
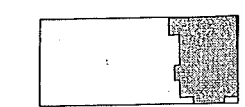
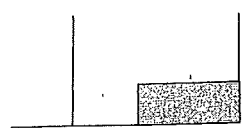


**SITE PLAN**  
 9/23/2019

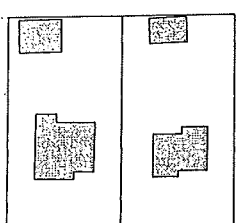
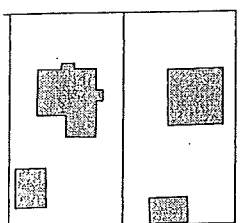


1 NORTH ELEVATION (MAIN ENTRANCE ON ROSE STREET)  
 80

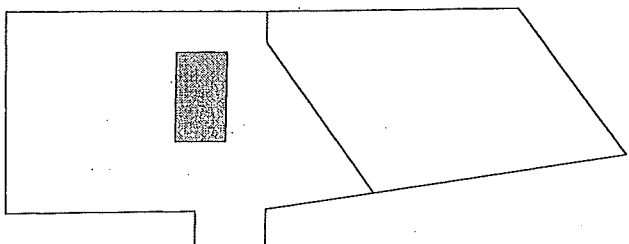
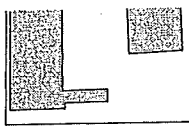
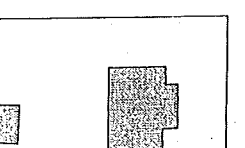
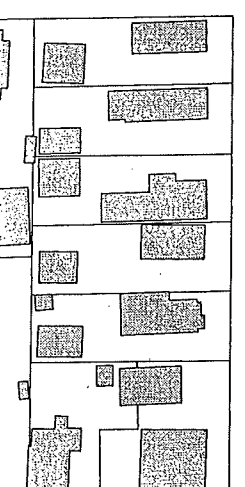




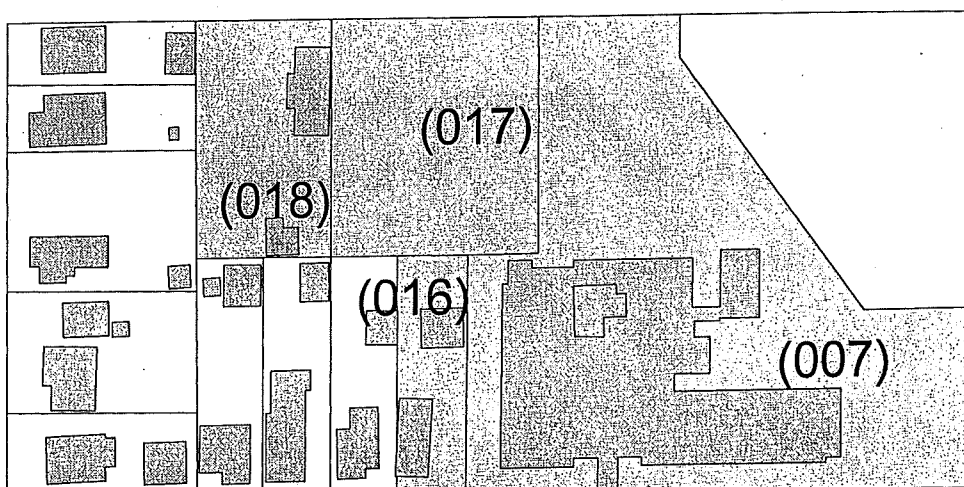
ROSE



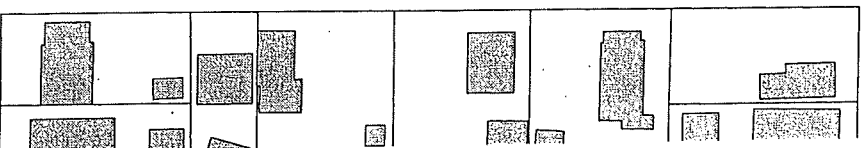
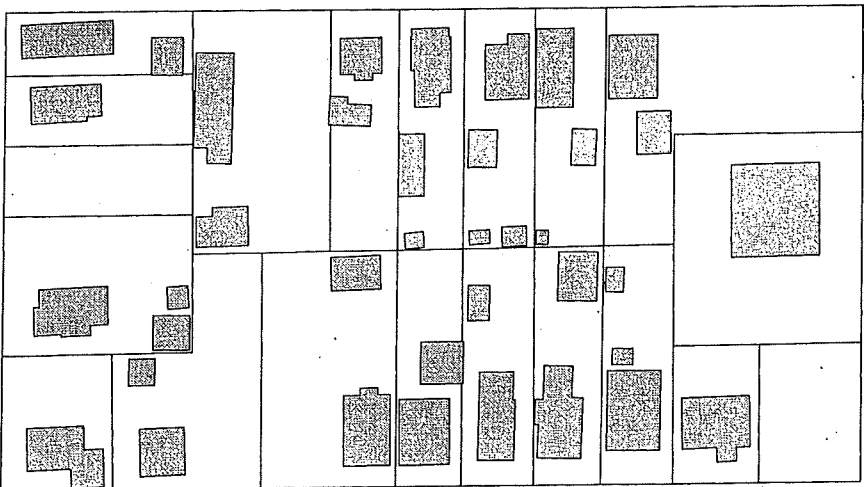
GERANIUM



ROSE



GERANIUM



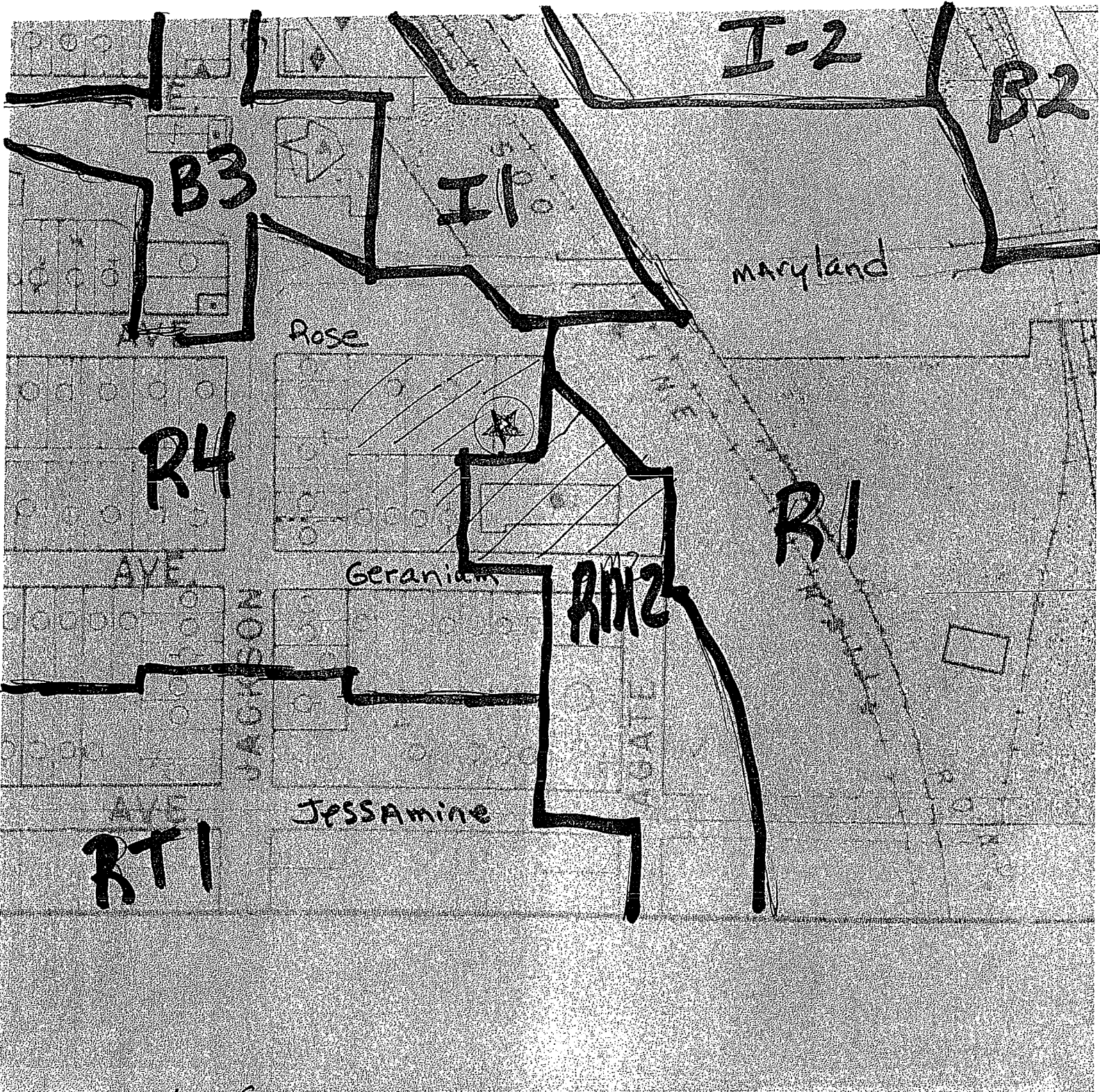
MARYLAND

ROSE

JACKSON

AGATE





APPLICANT Elim Care Inc  
 PURPOSE Conditional Use w/ Variance  
 FILE # 10-003240 DATE 1-7-10  
 PLNG. DIST 6 MAP # 5  
 SCALE 1" = 100'



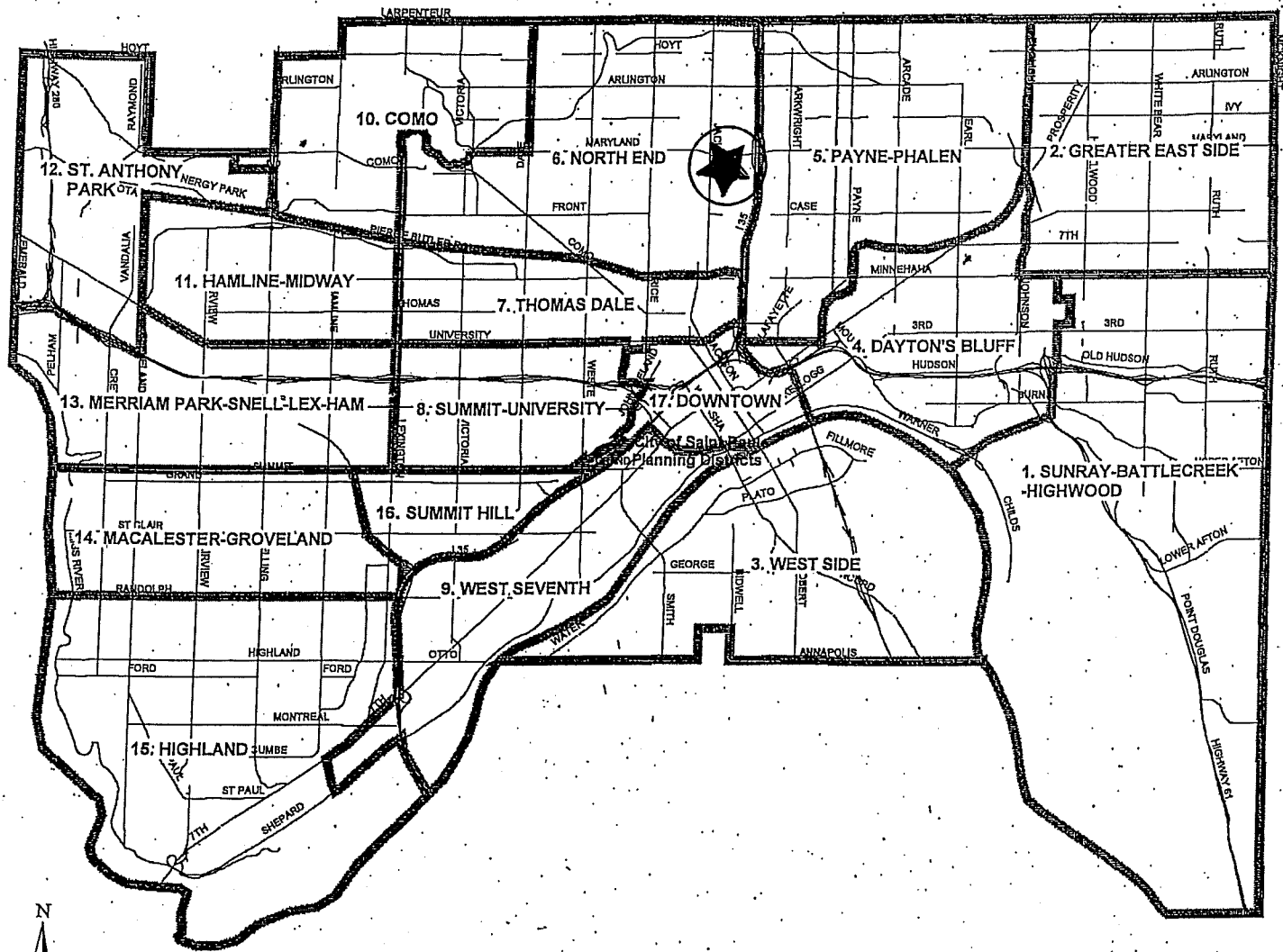
LEGEND

- zoning district boundary
- subject property
- one family
- two family
- multiple family
- commercial
- industrial
- vacant





# CITIZEN PARTICIPATION DISTRICTS



## CITIZEN PARTICIPATION PLANNING DISTRICTS

1. SUNRAY-BATTLECREEK-HIGHWOOD
2. GREATER EAST SIDE
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS-DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLINE-MIDWAY
12. ST. ANTHONY
13. MERRIAM PK. -LEXINGTON HAMLINE
14. GROVELAND-MACALESTER
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

#10-003240

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Metropolitan Council Env. Svs. Pigs Eye forcemain (2) **FILE #** 10-004-005
2. **APPLICANT:** Metropolitan Council Environmental Service **HEARING DATE:** January 28, 2010
3. **TYPE OF APPLICATION:** Conditional Use Permit with Variances
4. **LOCATION:** Red Rock Road; property lying west of Pigs Eye Lake, east of Mississippi River, south of Pigs Eye waste water treatment plant
5. **PIN & LEGAL DESCRIPTION:** 222822410001, SECTION 22 TOWN 28 RANGE 22 GOVT LOT 3 (ISLAND) IN SEC 22 TN 28 RN 22; 152822130001, SECTION 15 TOWN 28 RANGE 22 ALL OF THE PLAT OF RIVERSIDE PARK & IN SD SEC 15 TN 28 RN 22 EX RIVERSIDE PARK & EX PART OF NW ¼ LYING NWLY OF A LINE BEG ON E LINE THEREOF 100 FT S OF NE COR TH SWLY ON A LINE PASSING THRU A PT ON NL OF GOVT LOT 2 DIST 250 FT; 152822220003, SECTION 15 TOWN 28 RANGE 22 THAT PART OF NW ¼ LYING NWLY OF A LINE BEG ON E LINE OF THEREOF & 100 FT S OF NE COR TH SWLY ON A LINE PASSING THRU A POINT ON N LINE OF & 250 FT W OF NE COR OF GOVT LOT 2 TO THE SHORE OF MISSISSIPPI RIVER
6. **PLANNING DISTRICT:** 1 **PRESENT ZONING:** I2, R1, RC1
7. **ZONING CODE REFERENCE:** §60.106; §60.109(a); §68.213(a); §61.501; §64.214; §68.503; §68.504; §68.400; §61.601; §68.601
8. **STAFF REPORT DATE:** January 18, 2010 **BY:** Josh Williams
9. **DATE RECEIVED:** January 6, 2010 **60-DAY DEADLINE FOR ACTION:** March 7, 2010

- 
- A. **PURPOSE:** Conditional use permit for forcemain (sewer) construction in the river corridor, with variances of a number of river corridor standards
- B. **PARCEL SIZE:** 26,169,976.8 sq. ft. / 600.78 acres (area of impact 52.3 acres)
- C. **EXISTING LAND USE:** M-Vacant Land owned by Saint Paul Port Authority, Ramsey County, and the Metropolitan Council
- D. **SURROUNDING LAND USE:**  
All land along the forcemain alignment within the City of Saint Paul is vacant, with the exception of the Pigs Eye metropolitan waste water treatment plant, at which the forcemain terminates. Land cover is forest, open forest, and grass and shrubs, over both upland and wetland soils.
- E. **ZONING CODE CITATION:** §61.106 exempts essential services from the application of the zoning code; §61.109(a) states that where provisions of the zoning code or other laws or ordinances conflict, the more restrictive provision shall govern; §68.213(a) identifies sewers as a conditional use in the RC1 Floodway District; §61.501 lists general conditions that must be met by all conditional uses; §61.502 authorizes the planning commission to modify any or all special conditions after making specified findings; §68.503 lists the factors to be considered in the reviewing of conditional use applications in the river corridor; §68.504 lists additional conditions that may be imposed on a conditional use in the river corridor; §68.400 lists standards and criteria for all development in the river corridor; §61.601 lists the required findings for a variance; §68.601 lists the required findings for a variance in the river corridor.
- F. **HISTORY AND PROJECT DESCRIPTION:** There is no zoning history for the involved parcels. The Metropolitan Council is proposing to build a new dual forcemain carrying sewage from South Saint Paul to the wastewater treatment plant (Pigs Eye WWTP) operated by Metropolitan Council Environmental Services (MCES) and located on the Pigs Eye Peninsula. The newly constructed sewer will consist of two 30" pipes (side-by-side), and will replace an aging, single 48" main. The existing forcemain runs north along the west side of the river, crossing the river at a point just south of the Pigs Eye WWTP. The proposed alignment for the new forcemain crosses the river south of the Pigs Eye peninsula, and runs northerly along a path roughly parallel to western edge of the peninsula and approximately 300-400 feet landward. The current and proposed alignments can be seen on Figure 1 supplied by the applicant and included with this report. The proposed alignment crosses vacant land owned by the Saint Paul Port Authority,

Ramsey County Parks and Recreation, and the Metropolitan Council.

G. **DISTRICT COUNCIL RECOMMENDATION:** The District 1 Council has not provided an opinion on the application as of the writing of this report.

H. **FINDINGS:**

1. The South Saint Paul Forcemain is part of the regional interceptor system, and carries sewage to the Pigs Eye Waste Water Treatment Plant (Pigs Eye WWTP), operated by Metropolitan Council Environmental Services (MCES) for treatment. The existing main was built in 1973, and has in recent years begun to show signs of serious deterioration. In recognition of the essential nature of the service and the potential consequences of a forcemain failure, MCES is seeking to replace the forcemain. In 2003, MCES commissioned a route study for the forcemain project. The study looked at a number of routes, and focused on three viable alternatives in particular. These included two routes in the general vicinity of the existing alignment along the West side of the Mississippi River, along with the proposed peninsula route. In evaluating the routes, the study considered a number of factors including construction costs, environmental impacts, cultural resources impacts, construction-related business impacts, traffic (rail and vehicle) impacts, and construction risk. The route alternatives were re-evaluated in January 2009. The proposed peninsula route was selected based on the following factors:
  - Cost (west of river alternatives would increase costs by approximately \$9 million)
  - Need for existing forcemain to remain in operation during construction
  - Long-term stability of forcemain cannot be assured due to need to route through Port Crosby Demolition Landfill (west alternative 1)
  - Need to route pipe through existing levee (extremely unlikely to be permitted by U.S. Army Corps of Engineers (ACOE) due to potential to compromise levee) and long stretches of Mississippi River (west alternative 1)
  - Landfill contamination and associated safety concerns and regulatory uncertainty (west alternative 1)
  - Complex ownership and easement structure, and right in perpetuity of railroad to require movement or removal of forcemain pipes at any time (west alternative 2)
  - Congestion and access difficulties (due to existing land uses), leading to both constructability challenges and increased long-term operation and maintenance costs (west alternatives 1 and 2)

A memorandum from the MCES Project Manager, dated December 17 2009, contains additional details.

2. The selection of the peninsula alignment for the forcemain means that there will be substantial disturbance of natural areas both within the river and along the length of the peninsula. MCES project planners have taken steps to both minimize impacts and to ensure that impacts are, to the greatest extent possible, temporary. Measures include:
  - The portion of the alignment which crosses the river will be surveyed prior to construction, and all mussels and other wildlife will be relocated.
  - The alignment at the southern end of the peninsula has been altered from the original proposal to avoid National Park Service land and to maintain a distance of more than 1,000 feet from bald eagle nesting sites.
  - Limits of area of construction disturbance have been minimized. The MCES Project Manager has submitted a memorandum, dated December 21 2009, describing construction limits and stating the professional opinion of MCES staff that further reduction of the area of construction would be unfeasible.

- While the alignment intersects 14.5 acres of wetland, restoration will result in no permanent impact to any wetlands. Pursuant to the Wetland Conservation Act (WCA), a technical evaluation panel (TEP) has issued a Findings of Fact and Notice of Decision declaring no permanent impact to wetlands as a result of the forcemain project. Conditions of the approval include TEP verification of wetland boundaries and types prior to construction, third-party monitoring of wetlands within and beyond the limits of construction during the construction process to ensure they are not unduly impacted by construction-related dewatering operations, and third-party verification of post-construction wetland restoration.
  - All disturbed areas (total of 52.3 acres) will be stabilized and reseeded with Board of Water and Soil Resources (BWSR) approved seed mixes. A total of 19.8 acres will be replanted with trees at a density of 40 trees per acre, consistent with U.S. Fish and Wildlife Service recommendations and approved by ACOE, City of Saint Paul, and Ramsey County Parks staff.
  - After project completion, a 20-ft wide path centered over the forcemain will be maintained under a permanent easement for maintenance and emergency response access. The path will be reestablished in vegetation as described above, but maintained free of trees and large shrubs.
3. City staff have reviewed multiple documents on erosion and sediment controls for construction of the forcemain. Reviewed plans include:
- Storm Water Pollution Prevention Plan (SWPPP), which describes site, planned construction, and practices which will be used to prevent erosion and the release of pollutants in storm water. The SWPPP reflects Minnesota Pollution Control Agency (MPCA) standards for storm water management and erosion control, and is prepared in accordance with the MPCA General Stormwater Permit for Construction Activity and NPDES Phase II permit. The SWPPP also describes post-construction stabilization techniques. Performance of erosion and sediment control measures during and after construction will be subject to third-party verification.
  - Concept Construction Dewatering Plan, which describes dewatering methods and related sediment control measures and is a part of the SWPPP.
  - Flood Zone Construction Emergency Response Plan, which describes procedures for closing and securing the construction site in the event of flooding.

The Water Resource Coordinator for the City of Saint Paul has submitted a memorandum, dated January 18 2010, providing comments on erosion control, wetland management, and floodplain management. Recommendations include requiring construction phasing that limits disturbance to 500 linear feet within the limits of construction corridor at any one time with soil stabilization measures implemented prior to opening of next disturbance area, and third-party monitoring of all erosion and sediment control measures and performance.

4. §63.606 specifies that draining or filling of wetlands shall be a conditional use in all zoning districts. §68.213(a) specifies that sewers are a conditional use in the RC1 Floodway District. §68.214 lists standards for conditional uses in the RC1 Floodway District:
- a) *No structure (temporary or permanent), fill deposit (including fill for roads and levees), obstruction, storage of materials or equipment, or other use may be allowed which will cause an increase in the height of the regional flood or cause an increase in flood damages in the reach or reaches affected.* This condition is met. The forcemain project as proposed will result in no net fill. The air relief structure is accessory to the forcemain, which is itself entirely underground.
  - (b) *Fill shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.* This condition can be met. As described in Findings 2 and 3, the applicant has



submitted plans for erosion control and reestablishment of vegetation on all areas of fill.

- (c) *Accessory structures shall not be designed for human habitation.* This condition is met. The air relief structure is not designed for human habitation.
- (d) *Accessory structures shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters.*
  - (1) *Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and*
  - (2) *So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.*

This condition is met. The air relief structure is roughly square in shape, and so has no longitudinal axis to orient parallel to the direction of flow. The structure is placed within the conveyance shadow of the Pigs Eye WWTP, consistent with the guidelines of the National Flood Insurance Program.

- (e) *All accessory structures must be elevated on fill so that the lowest floor, including basement floor, is at or above the regulatory flood protection elevation. The finished fill elevation for accessory structures shall be no lower than one (1) foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon. See Condition (f) below.*
- (f) *As an alternative to elevation on fill, accessory structures may be structurally dry floodproofed in accordance with the FP-1 or FP-2 floodproofing classification in the state building code or floodproofed to the FP-3 or FP-4 floodproofing classification in the state building code, provided the accessory structure constitutes a minimal investment, does not exceed five hundred (500) square feet in size and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All floodproofed accessory structures must meet the following additional standards, as appropriate:*
  - (1) *The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls; and*
  - (2) *Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly floodproofed.*

This condition is met. The air relief structure will be floodproofed in accordance with the FP-1 standard. The structure will be approximately 31 feet in height from bottom of base slab to top of top slab; less than 12 feet of the structure will be above ground level. Top of structure will be above the 100-yr flood elevation to allow for maintenance access during extended times of flooding. Per the MCES Project Manager, no equipment inside the structure is subject to damage from flooding. In terms of the costs of the project as a whole, the air relief structure represents a minimal investment.

- (g) *Storage of materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the planning commission.* This condition does not apply; no materials or equipment are proposed to be stored on site.
- (h) *Structural works for flood control that will change the course, current or cross-section of protected wetlands, or public waters shall be subject to the provisions of Minnesota Statutes, Chapter 103.G. Community-wide structural works for flood control intended to remove areas from the regulatory floodplain shall not be allowed in the floodway.* This condition does not apply; no structural works for flood control are proposed.
- (i) *A levee, dike or floodwall constructed in the floodway shall not cause an increase to the regional flood and the technical analysis must assume equal conveyance or storage loss on*

*both sides of a stream.* This condition does not apply; no such structure is proposed.

- (j) *No use shall be permitted which is likely to cause pollution of waters, as defined in Minnesota Statutes, Section 115.01, unless adequate safeguards, approved by the state pollution-control agency, are provided.* This condition is met. The proposed structure, a waste water forcemain, does, by nature of the substances conveyed, constitute a potential source of pollution. However, because the structure will be monitored and maintained by a public agency, and through adequate design, this risk is minimized. Moreover, by replacing an aging and deteriorating structure with a new structure, the proposed use actually substantially reduces the likelihood of pollution of public waters.

- 5. §68.503 mandates that the planning commission shall consider a number of additional factors in reviewing applications for conditional use permits in the river corridor. Among these are:

- (b) *The importance of the services provided by the proposed facility to the community.* Waste water treatment is an essential service, a component of which is the collection and conveyance of waste water via forcemains and other components of the metropolitan sewer system.

- (c) *The ability of the existing topography, soils and geology to support and accommodate the proposed use.* The applicant has provided substantial documentation to support the choice of the peninsula route over other potential alignments for the forcemain project, including the feasibility of construction and the long-term stability of the forcemain if built through the Port Crosby Demolition Landfill.

- (l) *The availability of alternative locations or configurations for the proposed use.* See Finding 1.

- 6. §61.501 lists five standards that all conditional uses must satisfy:

- (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The Draft Water Chapter of the Comprehensive Plan identifies as one of three guiding strategies to *Operate and maintain a cost effective sanitary sewer infrastructure.* While the focus of the Water Chapter is on sanitary sewer owned and operated by the City of Saint Paul, the importance of maintaining effective and safe sanitary sewers should be held to extend to MCES facilities located within the City of Saint Paul; both City-owned and MCES sewers are part of an integrated metropolitan system.

Objective 4.2 of the River Corridor Plan is to *Preserve and restore native plant and animal habitats.* Although the forcemain project will involve tree removal and other disturbance of vegetated communities on the Pigs Eye peninsula, these impacts are temporary and the communities themselves are degraded by the heavy presence of invasive and non-native species; the restoration plans filed by the applicant will help to establish an ecological foothold and seed bank for native river corridor plant and tree species.

The District 1 Plan Summary is generally silent on MCES facilities, but does call for sanitary sewer service as a preferred option over individual sewage treatment systems, and supports the protection and restoration of natural areas along the river.

- (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. After construction is completed, no vehicle access to the site will occur, with the exception of annual or semi-annually for easement maintenance. Access will occur via the Pigs Eye WWTP, which has adequate existing road access.
- (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. Replacement of the aging existing forcemain will be a net benefit to the public health, safety, and general welfare by substantially reducing the likelihood of failure which would release untreated sewage into groundwater and, likely, surface waters. Beyond the

immediate impacts of a sewage release, such a failure would also be extremely problematic for those connected to the sanitary sewer, although most if not all users connected to the forcemain in question reside outside of the City of Saint Paul.

There is no development in the immediate neighborhood of the project, although the vacant land of the Pigs Eye peninsula does have value as open space viewed from surrounding bluff areas and as a location of natural vegetative communities and wildlife habitat. While these values will be temporarily negatively affected, planned post-construction restoration will actually result in vegetative communities more consistent with what would likely have been seen prior to European settlement, and thus arguably more consistent with the natural ecology of the river corridor.

- (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The proposed forcemain will be entirely underground, with the exception of the accessory air relief structure and a 20 foot wide, minimally maintained easement. These uses are consistent with allowed uses in the RC1 Floodway District.
- (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The applicant has submitted a no-rise certification for the air relief structure, indicating that it will not impact the one-percent flood elevation nor adversely affect the hydraulic capacity of the floodway.

7. The applicant seeks variance of a number of river corridor standards and criteria. Specific standards and criteria of which the applicant seeks variance include:

§68.402(b)(1)(b), which requires that structures be setback at least 75 feet from general development waters; the proposed forcemain crosses the river and will have no setback, although it will be buried.

§68.402(b)(5)(a), which states that utility corridors shall avoid steep slopes; as described above, the forcemain alignment crosses several areas of steep slopes.

§68.402(b)(5)(b), which states that utility corridors shall avoid intrusions into or over streams or open water; the proposed forcemain alignment crosses both the Mississippi River and the Pigs Eye WWTP effluent outlet.

§68.402(b)(5)(e), which states that utility corridors shall avoid wetlands; the proposed forcemain alignment intersects 14.5 acres of wetlands.

§68.402(b)(5)(f), which states that utility corridors shall seek to avoid forests where possible and to minimize cutting where avoidance is not possible; the proposed forcemain alignment runs through forested areas.

§68.402(b)(5)(g), which states that utility corridors shall avoid soils susceptible to erosion; soils in several areas along the proposed forcemain alignment are potentially susceptible to erosion.

§68.402(b)(5)(h), which states that utility corridors shall avoid areas of unstable soil; the proposed forcemain alignment intersects several areas of potentially unstable soil.

§68.402(b)(5)(i), which state that utility corridors shall avoid areas with high water tables; due to the low lying nature of the Pigs Eye peninsula, the majority of the proposed forcemain alignment is through areas with a high water table.

§68.402(b)(5)(j), which states that utility corridors shall avoid open space recreation areas; although the Pigs Eye peninsula is not currently maintained as a open space recreation area, it potentially serves this purpose.

§68.402(c)(6), which states that development shall fit existing topography and vegetation with a minimum of clearing and grading; although the proposed forcemain will generally conform to topography, installation will require extensive clearing and grading.



§68.402(c)(7), which prohibits rehabilitation slopes greater than 18 percent; where the forcemain crosses the Pigs Eye WWTP effluent channel, slopes are currently greater than 18 percent and rehabilitation slopes will be as well.

§68.402(c)(8)(a), which allows dredging of shorelands and wetlands only where an adverse impact to the shoreland or wetland will not occur, and only in areas of minimum vegetation; the proposed forcemain alignment will require dredging of both shoreland and wetland areas.

§68.404(c)(2), which requires preservation of natural vegetation in shoreland areas for purposes of retarding and treating storm water runoff; the proposed project will require removal of shoreland vegetation.

8. §68.601 lists the requirements for variance in the river corridor:

- (a) *Applications for variance to the provisions of this chapter may be filed as provided in section 61.600. The burden of proof shall rest with the applicant to demonstrate conclusively that such variance will not result in a hazard to life or property and will not adversely affect the safety, use or stability of a public way, slope or drainage channel, or the natural environment; such proof may include soils, geology and hydrology reports which shall be signed by registered professional engineers. Variances shall be consistent with the general purposes of the standards contained in this chapter and state law and the intent of applicable state and national laws and programs. Although variances may be used to modify permissible methods of flood protection, no variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the flood protection elevation for the particular area, or permit a lesser degree of flood protection than required by state law.*
- (b) *Notwithstanding any other provision of this river corridor code, variances may be granted for the repair or rehabilitation of historic structures upon a determination that the repair or rehabilitation will not preclude the structure's continued designation as a historic structure, the variance is the minimum necessary to preserve the historic character and design of the structure and the repair or rehabilitation will not cause an increase in the height of the regional flood or increase the flood damage potential of the structure.*

*As stated by §68.401, the objective of standards and criteria is to maintain the aesthetic integrity and natural environment of the river corridor in conformance to the St. Paul Mississippi River Corridor Plan by reducing the effects of poorly planned shoreline and bluffline development; providing sufficient setback for sanitary facilities; preventing pollution of surface and groundwater; minimizing flood damage; preventing soil erosion; and implementing metropolitan plans, policies and standards.*

As presented in Finding 1, a number of factors align to make the peninsula route the most feasible alignment for the forcemain project, despite the impacts on natural systems. As presented in Findings 2, 3, and 4, the applicant has demonstrated that substantial effort has been made to ensure that the impacts of the proposed forcemain project on natural systems are as minimal as reasonably possible, and further that impacts, particularly on wetlands, vegetative communities, and wildlife, are largely temporary. Given the essential nature of the service provided by the proposed facility, and coupled with sufficient conditions of approval, the proposed use can substantially meet the objectives of the river corridor standards and criteria.

9. §61.601 lists findings that must be made in order to grant a variance of the zoning code.

- (a) *The property in question cannot be put to a reasonable use under the strict provision of the code. This finding is made. The proposed facility is a reasonable use of the property, but construction would not be possible under the strict provision of the code.*
- (b) *The plight of the landowner is due to circumstances unique to the property, and these circumstances were not created by the landowner. This finding is made. As described in Finding 1, the proposed peninsula alignment is the most feasible route for the forcemain. Required variances are due to the natural characteristics of the land inherent to its location in*

the floodplain.

- (c) *The proposed variance is in keeping with the spirit and intent of the code, and is consistent with the health, safety, comfort, morals and welfare of the inhabitants of the city.* This finding is made. Waste water treatment is an essential service, and the collection and conveyance of the waste water to a treatment facility is an integral part of that essential service. The proposed forcemain is replacing an aging structure that is at eminent risk of failure. Variance of the code is in this case necessary to ensure the adequate upkeep of the metropolitan waste water treatment system.
- (d) *The proposed variance will not impair an adequate supply of light and air to adjacent property, nor will it alter the essential character of the surrounding area or unreasonably diminish established property values within the surrounding area.* This finding is made. The proposed forcemain, with the exception of the accessory air relief structure, is located entirely below ground. No impairment of the supply of light or air to surrounding properties will occur. The presence of proposed forcemain underground will not substantially limit the use of property in question nor of surrounding properties for the use allowed in the zoning district. While there will be some impact to character of the area due to removal of mature trees, this is a temporary impact, the long term effects of which are negligible.
- (e) *The variance, if granted, would not permit any use that is not permitted under the provisions of the code for the property in the district where the affected land is located, nor would it alter or change the zoning district classification of the property.* This finding is made. The proposed forcemain is a conditional use in the RC1 Floodway District.
- (f) *The request for the variance is not based primarily on a desire to increase the value or income potential of the parcel of land.* This finding is made. The sole goal of the project is to replace an aging facility, and will not result in any profit or appreciation of value for the applicant or landowners.

**I. STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the conditional use permit for forcemain (sewer) construction in the river corridor, with variances of a number of river corridor standards subject to the following additional condition(s):

1. Technical Evaluation Panel (TEP) verification of wetland delineations prior to commencement of construction activities.
2. Third-party verification of erosion and sediment control activities and performance standards as approved by Department of Safety and Inspections (DSI) staff.
3. Minnesota Pollution Control Agency (MPCA) approval of Storm Water Pollution Prevention Plan (SWPPP).
4. Verification post-construction by DSI staff of air release structure conformance with Federal Emergency Management Agency (FEMA) floodproofing standards.
5. Verification post-construction by DSI staff no net fill in floodway.







CITY OF SAINT PAUL  
INTERDEPARTMENTAL MEMORANDUM

DATE: January 19, 2010

TO: Josh Williams, PED

FROM: Phil Belfiori, City of Saint Paul Water Resource Coordinator *P.B.*

RE: Water Resource Related Comments for the MCES South Saint Paul Forcemain Improvement (SSPFI) Project

Based on review of the following documents (below), please find comments for the above mentioned application.

Staff has reviewed the following documents related to the above referenced plans:

- 12/09 Wetland application for no loss and approval of wetland determination dated 3/2006 from Wenck and HR Green Inc. ;
- 12/7/09 Application packet with CD from Wenck including documents related to wetland, erosion control, and floodplain management and other topics. Includes construction plans for project;
- 11/09 Construction dewatering plan from Wenck;
- 11/20/09 letter from Wenck regarding no rise certification;
- 12/16/09 email from MN DNR stating that DNR does not have a problem with floodplain aspects of the project;
- 11/09 Flood zone construction emergency response plan from Wenck;
- 12/21/09 memo from MCES regarding limits of construction;
- 1/13/10 email from Wenck regarding acres of disturbance of wetland impact;
- 12/30/09 memo from Wenck regarding drawdown effects;
- 1/12/10 response to five staff questions from MCES staff.

Based on review of the above referenced documents, please find the following comments

**Comments Related to Erosion Control**

1. The construction area entering the upland portion of the project from the Mississippi River (south end of the peninsula) and the area entering the MCES effluent channel should be phased so that the construction trench can be opened and closed as quickly as possible. These locations will likely also require innovative BMP's such as, but not limited to, floating silt curtains.

2. The applicant should obtain the services of an Independent "3rd party" environmental consultant to provide monthly reports related to Erosion Control/Sediment Control/Environmental Issues. The monthly reports should include information related to compliance with MPCA approved SWPPP for the project (including compliance with dewatering performance standard as defined in comment #4 below) and applicants wetland restoration plans (see attached Wetland Findings and Notice of Decision). Also see the attached example Erosion Control/Sediment Control/Environmental Issues checklist form from Wenck Associates Inc. for an example of possible format of monthly report.
3. The project applicant does include a construction phasing plan to ensure smallest amount of bare ground is exposed for as short a time as feasible (no more than 500 linear feet within the proposed area of construction will be disturbed at a time) however, the plans/SWPPP should clarify that each 500 foot linear area of disturbance will be stabilized before moving to the next disturbance area.
4. Applicant should identify how the proposed dewatering performance standard (free of sediment and not appearing turbid), will be measured/monitored, methodology of recording and an identified action plan if the standard is exceeded.
5. Provide evidence of a MPCA approved SWPPP.
6. Application should clarify that site will be completely stabilized, temporary spoil piles removed and existing topography restored before winter if the project extends into a second construction season.

#### **Comments Related to Wetland Management**

1. See attached TEP FOF and recommendations.

#### **Comments Related to Floodplain Management**

1. Ensure information that air release structure is built to required FEMA flood proofing standards.
2. Applicant should provide elevation certification (cut fill GIS analysis) after the project is completed and construction area restored to confirm that the area was restored to existing grades.

#### **Attachments:**

- Signed Wetland Findings and Notice of Decision.
- Erosion Control/Sediment Control/Environmental Issues checklist example from Wenck.

## PIGS EYE PENINSULA WETLAND IDENTIFICATION.

A couple of years prior to submitting a permit application, the applicant's agent reviewed the sewer pipe alignment across the peninsula and determined that the area was primarily a floodplain forest, with small inclusions of wet meadow and shallow marsh. At the time of that wetland review no wetland mitigation/replacement measures were generally required for utility lines through the Corps permit process. The wetland delineation/determination report did not include detailed hydrology data. The delineator indicated that site conditions were wet due to recent heavy rains.

The vegetation along the pipeline alignment meets wetland criteria and the soils are typical of alluvial riverine locations. However, the vegetation communities by stratum are quite different. The tree stratum includes cottonwood, silver maple, ash, elm and box elder (generally hydrophytic); whereas the ground cover includes garlic mustard, creeping Charlie, dandelion, reed canary grass, Canada goldenrod, wood nettle, stinging nettle, and white snake root (many of which are non-hydrophytes). The ground cover suggests recent and seasonal dry conditions, whereas the tree cover with deeper roots suggests wetland conditions. Walking part of the route revealed a lot of upland species in the ground layer, but the trees are all FAC, FACW.

Hydrology is the parameter that was not previously reviewed in detail. The applicant recalled that the area had been inundated only one time in the last 10 years. Flood information from the Corps river data center indicates that the normal river pool elevation is about 687. Recent large flood events occurred in 1997 and 2001 (elevations rose to about 703). Water rose to 694 in 2006; but only reached 692 in 2004, 2005, 2007, and 2008. It appears an elevation of 693 might be used as an ordinary high water mark or even 695 if a capillary fringe is included which could saturate the soil closer to the ground surface.

Ground elevations along the route vary from a couple of small spots between 690 and 692 and many areas at 697 and 698. I estimated that 54% of the alignment appeared to have a ground elevation above 695 and 46% was below 695. About 79% is above 693. It seems reasonable to conclude that only about 46% (basically one half) of the route would meet the hydrology parameter for wetland characteristics. I concluded that areas above elevation 695 probably would not have frequent enough hydrology to meet wetland criteria or frequently ponded conditions. Therefore, I felt that only about half of the pipeline alignment would be within jurisdictional wetlands.

In my review I was not trying to make any type of formal OHWL determination or trying to call 695 or 693 etc the OHWL, or draw specific wetland delineation lines. [As a side note, well after I was drawing my conclusions above I found reference in the Dunn Road file that DNR had used elevation 693 as the OHW for Pig's Eye Lake.] I understand that 693 is being used as the DNR OHW.



One reason I did the water elevation exercise was because the applicant indicated an urgency in getting approvals and it seemed like requiring a hydrology study to determine an exact wetland boundary would substantially delay the project - we would probably need spring data so it would be pushed into next year (2010), assuming we got normal conditions to record.

I also conducted the water elevation review and wetland estimate because the Corps has now begun to include a mitigation requirement for wetland impacts associated with utility line installation. This makes it important to have a better idea on how much, and what type of, wetland is being impacted by the pipeline installation. The Corps utility line mitigation requirement includes varying ratios based on the type of wetland being impacted, with impacted forested areas requiring the greatest ratio of replacement.

Tim Fell  
August 2009

# Minnesota Wetland Conservation Act

## Notice of Wetland Conservation Act Decision

Name and Address of Local Government Unit: City of Saint Paul

Name of Applicant: Metropolitan Council Project Name: South St. Paul Forcemain Improvement Project

Application Number: \_\_\_\_\_

Type of Application (check one):

- ☐ Exemption
- ☒ No Loss
- ☐ Replacement Plan
- ☐ Banking Plan
- ☒ Wetland Boundary / Type

Date of Decision: 1/19/10

Check One: ☐ Approved  
☒ Approved with conditions (see note on page 2 regarding use of wetland banking credits)  
☐ Denied

Summary of Project/Decision (indicate exemption number per MN Rule 8420.0122, if applicable):

A. The Wetland determination Report dated March 2006 for the South St. Paul Force main Improvement Project is conditionally approved based on agreement by the TEP members of the written process for wetland identification conducted and provided by Tim Fell of the ACOE dated August 2009 (see attached) pending completion of the following :

1) TEP confirmation of wetland areas that will be impacted by construction, as staked in the field, in early April, 2010.

B. The Utility no-loss determination for the project pursuant to MR 8420.0415 is also conditionally approved pending receipt of:

1) the applicant has provided to the City a financial assurance in an amount recommended by the TEP (\$ 406,000\*) to ensure restoration (if restoration fails) of pre-construction type, function/value, vegetation per plan, topography and hydrology. Financial assurance shall be held for a period of 2 years and until completion of final TEP field inspection confirming full restoration of predevelopment conditions related to wetland type, function/value, vegetation restoration per plan, topography and hydrology.) If during final TEP field inspection the TEP determines that some wetlands do not have the potential to be fully restored, the applicant shall be required to replace an equivalent amount of wetland at a location within the City. City can use the financial assurance to restore /replace those areas found to be not properly restored after 60 days of second written notice to the applicant identifying which areas were not restored to pre-construction conditions.

2) Design of pipe installation to ensure that installation will maintain hydrology after project is complete (incorporate clay lining that will prevent mitigation of hydrology and drawing down nearby wetlands

/restored wetlands through pipe trench).

3) To ensure that all impacted wetlands are restored to pre-construction "type", function, and value and to ensure implementation of the applicants vegetation restoration plan (in Wenck Assoc. Figures 5-7), the applicant shall obtain the services of an independent "3rd party" wetland scientist to provide monthly reports (during growing season) during the first two years of wetland restoration after completion of project construction.

4) Provide revised MN Local/State/Federal Application Form for Water/Wetland Projects with latest application format and providing latest information related to wetland amounts, types, project dates, Temp. affected areas.

TEP has agreed to grant an extension to the 6 month provision in above mentioned no loss language in MR 8420.0415

\* (\$28,000\*/Ac. x amount of unavoidable temp. impact proposed (14.5 ac.) = for total of \$ 406,000).  
Amount for financial assurance based on cost for project mitigation related to ACOE permit requirements as per Oct. 13, 2009 memo from Applicant.

**List of Addressees:**

Landowner:

Rex A. Huttes, P.E.  
Project Manager  
MCES - Interceptor Engineering  
3565 Kennebec Drive  
Eagan, MN 55122

Members of Technical Evaluation Panel:

Tom Peterson, RCD  
Lynda Peterson, BWSR

Watershed District or Watershed Management Organization (If Applicable):

Tina Cartens - RWMWD

Department of Natural Resources Regional Office (select appropriate office):

NW Region:	NE Region:	Central Region:	Southern Region:
Regional Director	Reg. Env. Assess. Ecol.	Reg. Env. Assess. Ecol.	Reg. Env. Assess. Ecol.
2115 Birchmont Beach Rd. NE	Div. Ecol. Services	Div. Ecol. Services	Div. Ecol. Services
Bemidji, MN 56601	1201 E. Hwy. 2	1200 Warner Road	261 Hwy. 15 South
	Grand Rapids, MN 55744	St. Paul, MN 55106	New Ulm, MN 56073



DNR TEP Representative (if different than above)  
Molly Shodeen, DNR Central Region

Tim Fell, Dept. of Army Corps of Engineers, St. Paul District  
Corp of Engineers Project Manager @  
Department of the Army, Corps of Engineers, St. Paul District  
ATTN: CO-R, 190 Fifth Street East  
St. Paul, MN 55101-1638  
Individual members of the public who requested a copy, summary only

You are hereby notified that the decision of the Local Government Unit on the above-referenced application was made on the date stated above. A copy of the Local Government Unit's Findings and Conclusions is attached. Pursuant to Minn. R. 8420.0200 and 8420.0250 any appeal of the decision must be commenced by mailing a petition for appeal within thirty (30) calendar days of the date of the mailing of this Notice to the following as indicated:

Check one:

☐

*(For LGU staff decisions and decisions made without a public hearing, list name and address of LGU governing body or designated appeal body.)*

☒

*(For LGU decisions made after a public hearing)*

Executive Director  
Minnesota Board of Water and Soil Resources  
520 Lafayette Road North  
St. Paul, MN 55155

**NOTE:** Approval of Wetland Replacement Plan Applications involving the use of wetland banking credits is conditional upon withdrawal of the appropriate credits from the state wetland bank. No wetland impacts may commence until the applicant receives a copy of the fully signed and executed "Application for Withdrawal of Wetland Credits," signed by the BWSR wetland bank administrator certifying that the wetland bank credits have been debited.

*THIS DECISION ONLY APPLIES TO the Minnesota Wetland Conservation Act. Additional approvals or permits from local, state, and federal agencies may be required. Check with all appropriate authorities before commencing work in or near wetlands.*

*Applicant proceeds at their own risk if work authorized by this decision is started before the appeal time period has expired. If this decision is reversed or revised under appeal the applicant is responsible for all wetland impacts.*

LOCAL GOVERNMENT UNIT

Phil Belfiori  
Signature

1-19-10  
Date

Phil Belfiori, City of Saint Paul Water Resource Coordinator  
Name and Title

# Minnesota Wetland Conservation Act Technical Evaluation Panel Findings of Fact

Date: January 14, 2010

LGU: City of St. Paul

County: Ramsey

LGU Contact: Phil Belfiori- City Water Res. Coord.

Project Name/ #: South St. Paul Force main Improvement Project

Phone #: (651) 266-9112

Location of Project: \_\_\_\_\_ section 9, 10, 15, 16, 22, 23, 26, 27, 34, 35 of T 28 N R 22 W

City: St. Paul       $\frac{1}{4}$        $\frac{1}{4}$        $\frac{1}{4}$       Sec.      Twp.      Range      Lot/Block  
County: Ramsey

TEP Members (and others) who reviewed project: (Check if viewed project site)

☒ LGU: Phil Belfiori

☒ BWSR: Lynda Peterson

☒ SWCD: Tom Petersen

☐ DNR (if applicable): \_\_\_\_\_

Other Wetland Experts present: Tim Fell, ACOE

TEP requested by: LGU

1. Type of TEP determination requested (check those that apply):

\_\_\_\_\_ Exemption (WCA Exemption # \_\_\_\_\_)

☒ No-Loss

☒ Wetland Boundary and Type

\_\_\_\_\_ Replacement Plan

2. Description of Wetland(s) with proposed impact:

a. Wetland Type (Circular 39) 1L, 2 and 3 (Cowardin) \_\_\_\_\_ Wetland Plant Community Type<sup>1</sup> \_\_\_\_\_

b. Wetland Size (A) 14.5 AC

c. Size of Proposed Impact (acres and square feet) permanent impact 0 ac.

3. Have sequencing requirements been met? Attach Sequencing Finding of Fact as supporting information.

☐ Yes ☐ No (if no, list why): NA

4. Is the project consistent with the intent of the comprehensive local water plan and/or the watershed district plan, the metropolitan surface water management plan and metropolitan groundwater management plan, and local comprehensive plan and zoning ordinance? ☐ Yes ☐ No (if no, list why): NA

5. What is the net result of the project on the following wetland functions:

Functions	Degrade	Neutral	Improve
Floodwater Storage	_____	_____	_____
Nutrient Assimilation	_____	_____	_____
Sediment Entrapment	_____	_____	_____
Groundwater Recharge	_____	_____	_____
Low Flow Augmentation	_____	_____	_____
Aesthetics/Recreation	_____	_____	_____
Shoreland Anchoring	_____	_____	_____
Wildlife Habitat	_____	_____	_____
Fisheries Habitat	_____	_____	_____
Rare Plant/Animal Habitat	_____	_____	_____
Commercial Uses	_____	_____	_____

6. For replacement plan or no-loss determinations, are wetland functions maintained at an equal or greater level?

☒ Yes ☐ No (if no, list why)

7. Does Technical Evaluation Panel recommend approval of the activity proposed in item 1?

☐ Yes ☒ Yes, with Conditions ☐ No (if no, list why): Yes contingent on items listed in attached documentation and approval of relevant variances and CUPs.

8. List TEP findings to support recommendation in question 7 above. (Please attach document if necessary).

9. A. The Wetland determination Report dated March 2006 for the South St. Paul Force main Improvement Project is conditionally approved based on agreement by the TEP members of the written process for wetland identification conducted and provided by Tim Fell of the ACOE dated August 2009 (see attached) pending completion of the following :

10. 1) TEP confirmation of wetland areas that will be impacted by construction, as staked in the field, in early April, 2010.

11.



12.

13.

14. B. The Utility no-loss determination for the project pursuant to MR 8420.0415 is also conditionally approved pending receipt of:

15.

16. 1) the applicant has provided to the City a financial assurance in an amount recommended by the TEP (\$\_406,000\*) to ensure restoration (if restoration fails) of pre-construction type, function/value, vegetation per plan, topography and hydrology. Financial assurance shall be held for a period of 2 years and until completion of final TEP field inspection confirming full restoration of predevelopment conditions related to wetland type, function/value, vegetation restoration per plan, topography and hydrology.) If during final TEP field inspection the TEP determines that some wetlands do not have the potential to be fully restored, the applicant shall be required to replace an equivalent amount of wetland at a location within the City. City can use the financial assurance to restore /replace those areas found to be not properly restored after 60 days of second written notice to the applicant identifying which areas were not restored to pre-construction conditions.

17. 2) Design of pipe installation to ensure that installation will maintain hydrology after project is complete (incorporate clay lining that will prevent mitigation of hydrology and drawing down nearby wetlands /restored wetlands through pipe trench).

18. 3) To ensure that all impacted wetlands are restored to pre-construction "type", function, and value and to ensure implementation of the applicants vegetation restoration plan (in Wenck Assoc. Figures 5-7), the applicant shall obtain the services of an independent "3rd party" wetland scientist to provide monthly reports (during growing season) during the first two years of wetland restoration after completion of project construction.

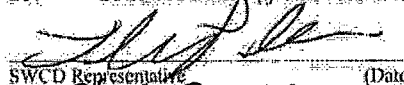
19. 4) Provide revised MN Local/State/Federal Application Form for Water/Wetland Projects with latest application format and providing latest information related to wetland amounts, types, project dates, Temp. affected areas.

20. TEP has agreed to grant an extension to the 6 month provision in above mentioned no loss language in MR 8420.0415


21.

22. \* (\$28,000\*/Ac. x amount of unavoidable temp. impact proposed (14.5 ac.) = for total of \$\_406,000). Amount for financial assurance based on cost for project mitigation related to ACOE permit requirements as per Oct. 13, 2009 memo from Applicant.

23. SIGNATURES (If TEP recommendation is not a consensus, note with an asterisk and explain on the back of this page)

 1/19/10  
SWCD Representative (Date)

\_\_\_\_\_  
BWSR Representative (Date)

 1/19/10  
LGU Representative (Date)

\_\_\_\_\_  
DNR Representative (Date)

<sup>1</sup> See *Wetland Plants and Plant Communities of Minnesota and Wisconsin (Eggers and Reed, 1997)* as modified by the Board of Water and Soil Resources, United States Army Corps of Engineers.



Wenck Associates, Inc.  
Engineering Consultants  
(651) 294-4580

# Independent Erosion Control/Sediment Control/Environmental Issues Checklist

Date \_\_\_\_\_

PROJECT \_\_\_\_\_

Day 

S	M	T	W	Th	F	S
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JOB NO. \_\_\_\_\_

CLIENT \_\_\_\_\_

CONTRACTOR \_\_\_\_\_

PROJECT MANAGER \_\_\_\_\_

Weather  
Temp. °F  
Wind  
Humidity

Bright Sun	Sunny	Over- Cast	Rain	Snow
Still	Moder	High	Report No.	
Dry	Moder	Humid		

Name of Project Engineer	Administration (Cell Phone)	Project Role	Remarks
Name of Contractor	Administration (Cell Phone)	Project Role	Remarks
Time	Name	Representing	Remarks
8:20 – 9:00	Pamela A.K. Massaro, P.E.  Erosion/Sediment Control Certified in Design of SWPPP & Construction Site Management  651-294-4580	Wenck	Attended Construction Progress Meeting  List Site Inspection Areas Visited
<b>Unusual Items:</b>			
<b>Comments about location of SWPPP &amp; Inspection Log:</b>			
<b>Comments SWPPP Amendments Made or Discussed:</b>			
Date	NOAA Prelim. Daily Rainfall (in)	Inspection Report (check list referenced)	
Monday, June 01, 2009	0	R75_06-03-09	
Tuesday, June 02, 2009	0		
Wednesday, June 03, 2009	0		
Thursday, June 04, 2009	0		
Friday, June 05, 2009	0		
Saturday, June 06, 2009	0.69	<b>** Inspection Required w/in 24-hrs **</b>	
Sunday, June 07, 2009	0.07		
Monday, June 08, 2009	0.42		
Tuesday, June 09, 2009	T		

**General Observations:**

**Area A**

- Positive (+) grass growth in former soil stockpile area
- Bio logs in place at top of curb. Pavement and curb & gutter free of sediment
- Station X+XX
  - Flat areas – disturbed soils – need cover  
Scheduled for BWSR Mix XX
- Miscellaneous construction debris in lot  
Observed sediment accumulated on pavement  
PAKM requested that Contractor sweep pavement and remove debris

**Area B**

- Curb block (bio roll) and inlet protection installed, functional, but dirty
  - PAKM requested that Contractor sweep gutter, clean inlet protection
- Positive (+) grass (oats) growth on straw mulch areas
- Silt fence past security fence  
Remove

**Area C**

- Positive (+) grass growth in-between weeds
- Patches not meeting 70% cover
- 6/9/09 Landscaping subcontractor A and Contactor A reviewed areas not meeting 70% cover  
Plan to wait 1 week then re-inspect and overseed
- **STATION X+XX**
  - New rocks installed around flared inlet
  - Silt fence in place on grate
  - Bio logs in place
  - 10-15 LF ditch cleaning recommended to create sedimentation basin upstream of inlet
- **STATION X+XX**
  - Cattails and grassy veg. established along ditch bottom and banks
  - 30-35 LF ditch cleaning recommended to remove sediment transport that occurred during construction before erosion control measures were installed

**Area D**

- Silt fence removed before full 70% cover established  
Grassy ditch downstream for sediment filter trap
- Patches not meeting 70% cover
- Positive (+) grass growth in recent seed/mulch area

**Area E**

Final buckthorn (invasive) removed near STA X+XX

**Documentation of Silt Fence Repairs Completed:**

**LEVEL I (24-hour response required)**

1. Observed as Resolved on 6/17/09. (Issued 6/3/09) Inlet protection re-installed (under grate)

**LEVEL IV (7-day response required)**

1. Removed from EC list, based on 6/17/09 observations.

Issued	Punch List ID	Description
6/3/2009	EC.3.b	Establish Cover in disturbed area (STA X+XX), uphill of silt fence. <i>6/17/09 ~ 70% cover met – weeds observed</i>
6/3/2009	EC.4.a	Complete Landscaping Plan work for Area C <i>6/17/09 ~ Verbal confirmation of completion from Project Engineer/CAR</i>

**Outstanding Silt Fence Items: (NEW silt fence items are noted as issued on 6/17/019.)****LEVEL I (24-hour response required)**

1. (Issued 6/17/09) Remove sediment from pavement on parking lot paved surfaces
2. (Issued 6/17/09) Remove sediment from curb & gutter at STATION X+XX
3. (Issued 6/17/09) Conduct, Document and Report contractual erosion / sediment control site inspection.

**LEVEL II (48-hour response required) No Outstanding Items****LEVEL III (3-day response required) No Outstanding Items****LEVEL IV (7-day response required)**

1. Stabilize soil disturbances (*7-days since last disturbed*, following MPCA's NPDES SDS permit issued 8/1/08).

Issued	Punch List ID	Description
5/6/2009	EC.1a	Clean 10-15 linear feet of ditch located on STATION X+XX
6/3/2009	EC.5.c	Establish cover in disturbed Area F

**LEVEL V (Ongoing & Placeholder Items)**

1. **(Reminder for 2009)** Keep Erosion Control Inspection log updated.  
Contractual inspections are 1 per 7 days or 24-hours after a 0.5-inch precipitation event.
2. **(Ongoing)** Monitor vegetation growth for 70% cover establishment, so erosion control / sediment control measures can be removed. Complete correction actions, as observed necessary.

By \_\_\_\_\_ Pamela A.K. Massaro, P.E. (651-294-4580)

1. Information used to complete this form is generic. Any resemblance to a particular project or client is not intended to imply endorsement.
2. This form remains the intellectual property of **Wenck** and shall not be used for any purpose other than assisting the City of St. Paul to provide an example of the level of detail and prioritization by response duration.
3. This form may be released by the City of St. Paul as an example only. Any other use of this form other than that stated within must be approved in writing by **Wenck**.



## MEMORANDUM

Ref: South St. Paul Forcemain (SSPFM) Improvement Project 802710  
Subject: Alternate Forcemain alignment on West Side of the Mississippi River

City of St. Paul staff has inquired about alternative routing for the SSPFM Improvement Project. They have asked if it would be better to follow the existing forcemain alignment along the west side of the Mississippi River. That alternative was considered in the facility planning stage and again re-evaluated in January 2009<sup>1</sup> and the cost to implement was estimated to be approximately \$9 million more than the selected alternative (peninsula route).

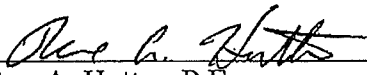
Besides the additional cost other issues with the alignment along the West bank are:

1. The existing forcemain needs to remain in service during construction of the proposed forcemain.
2. The existing forcemain is a single line. The proposed forcemain is a dual line. A dual line requires a wider construction corridor (either to the east or west of the existing alignment). During the forcemain route study investigation, it became apparent that portions of the existing forcemain route are not wide enough to accommodate the necessary footprint for a dual line installation without actually installing the pipes in an area of the Mississippi River about 1,100-feet long. One consideration was to install one new pipe, get it operational, and then clean out the existing 48" pipe and slipline it with a smaller diameter pipe and grout the annular space. Other details are:
  - a. The alignment can not practically run parallel to and to the west of the existing alignment because the railroad owns the rails and has been spinning off land rights and mineral right to other groups for the property beneath the tracks. If there were space, which in some areas there is not, acquiring permits and easements from the railroad and the other owners is extremely difficult due to multiple complexities of getting the rights to do so. Also, the permits usually include stipulations that the railroad could require the pipes to be moved or removed at any point in the future if the railroad does a future expansion.
  - b. The alignment could run parallel to and just to the east of the existing alignment, but that would place it in the levee in areas, in the Mississippi River in other areas, or lastly in the Port Crosby Demolition Landfill. The levee protects the City of St. Paul from floodwaters. This is also discussed as item 3.
3. Since the Hurricane Katrina and Rita disasters, the U.S. Army Corps of Engineers (USACE) is concerned with placement of pipes within a levee as they provide a pathway for flood waters to seep into the levee. Floodwater seepage in some instances can weaken a levee structurally and result in a breach of the levee (failure). USACE would likely deny approval of a proposed alignment along the existing route if a pipe were placed in a levee, especially if there is a lower cost alternative that avoids the levee (such as the proposed peninsula route).

4. As discussed in item 2, the existing forcemain alignment is extremely congested with difficult access. This affects constructability and long-term operations and maintenance (O&M) access, both issues translate to additional costs associated with the existing alignment.
5. A section of the existing alignment that crosses a ravine, located at or near the Port Crosby Demolition Landfill, has insufficient pipe cover to prevent the idle barrel from freezing. Design considerations to compensate would likely have the pipes installed at a deeper elevation under the ravine which would increase the initial capital costs and increase future operations and maintenance requirement<sup>ii</sup> and costs.
6. For reasons presented in items 2 and 3, the proposed forcemain alignment would likely have to be constructed along the river side of the levee in the floodway or in some areas actually submerged under the waters of the Mississippi River. The second forcemain barrel would have to cross the Port Crosby Demolition Landfill, under existing baseball diamonds. The Landfill had absentee ownership and this implies that a strict control of materials deposited was not enforced. It is suspected that besides demolition debris, the landfill likely contains asbestos, polycyclic aromatic hydrocarbons (PAHs) and metals. The landfill likely contains significant amounts of randomly placed concrete with reinforcing steel, metal scraping, asbestos, wood debris, tile, and other such materials. These materials do not provide a stable foundation for the forcemain. Installing a forcemain across a landfill presents the following issues:
  - a. One option, considered not viable, for pipe support that does not involve removal of the landfill materials down to sound natural soils is installation of piling to support the pipes. Experience shows this effort often fails because the piling intercepts or hits randomly placed materials with high resistive forces that the piling is unable to penetrate or it sometimes glances off it making ruining the pile and its capacity to support the pipe. This could occur to all piles attempted. The costs associated with the installation of piling is not included as it is deemed not to be feasible.
  - b. Another option for pipe support involves removal of the landfill materials under the proposed alignment, and import of stable backfill material to support the pipe. Excavating through the landfill to the base of it (depth uncertain) and solid underlying soils would increase the estimated \$9 million differential. Costs associated with characterizing removed materials for contamination and hazardous materials, trucking, hauling and disposal fees to the appropriate landfills using certified contractors and specially lined trucks all add to the cost. In addition, in-place dump materials directly adjacent to the excavation and under it if not all were to be removed would likely be unstable. Bedding and backfill materials would need to be wrapped in a special geogrid fabric<sup>iii</sup> material to avoid its migration into the voids and cavities of materials beyond the trench walls and to give it stability. If the underlying soils are reached and are compressible clays, then there may be settlement due to the heavier backfill soils on those compressible clays. This may require use of light weight fill which adds to the cost.

- c. Another option for pipe support involves the placement of the forcemain barrels within landfill materials with the use of the geogrid fabric and light weight backfill. This option does not address the possibility that future instability may occur due to continued future degradation of wood materials adjacent to and under the forcemain pipes and cause a structural failure regardless of the precautions. A forcemain failure would result in the release of wastewater to the Mississippi River. So, despite best design and construction efforts, it would present long term maintainability/reliability issues for the forcemain. This type installation could be problematic for the crew working on potentially unstable materials and the presence of methane gas.
- d. The work of installing the forcemain would likely disrupt usage of one or more ball diamonds for about a year. It is unlikely the City of South St. Paul Parks Department would agree to their closure.
- e. The landfill is in the Voluntary Investigation and Cleanup (VIC) program, sites VP5390 and VP5391. The City of South St. Paul filed an institutional control on the property, which will prohibit disturbing the land without Minnesota Pollution Control Agency Commissioner's prior approval.
- f. Presence of asbestos, PAHs and metals requires a MPCA approved Construction Contingency Plan (CCP) outlining laboratory and on-site testing to protect short-term worker safety and long-term chronic safety. The plan clearly outlines how materials will be handled as they are exhumed and disposed. Risk pathways may need to be evaluated construction is completed.

For the reasons stated above Metropolitan Council Environmental Services (MCES) staff choose the peninsula route.

  
Rex A. Huttes, P.E.      12/17/09  
Project Manager, MCES      Date  
Interceptor Engineering

<sup>i</sup> Memorandum dated January 26, 2009 by Scott Dentz, Rex Huttes and Eugene Natarius.

<sup>ii</sup> Would require two additional air - vacuum relief valves and a structure which would require ongoing future maintenance.

<sup>iii</sup> Geogrid fabric is a special geotextile type fabric that has greater tensile strength, and would be recommended in this type application. It costs about 3 times more than geotextile fabric and is more labor intensive to install.

## Memorandum

St. Paul Staff inquired about the possibility of reducing the limits of construction (LOC) in order to lessen the temporary impact to the peninsula.

MCES has specified High Density Polyethylene Pipe (HDPE) as the pipe material for use on the Mississippi River crossing and on the peninsula. HDPE has a long history of successful installation and has fused joints that reduces the risk for joint failures and thus improves future reliability of the system. This type of pipe can better handle pipe movement (settlement, etc.) issues. MCES desires to assure minimal problems and greater reliability with the installation under the river and along the peninsula.

Please refer to attached figures 1 and 2 as you read the following analysis used to determine and justify the LOC widths shown on the plan sheets submitted to the City of St. Paul.

West side of Trench:

1. In order to properly install the HDPE pipe, the contractor will likely string and fuse 500-feet or more of the pipe at one time. This work is likely to be completed by the Contractor on the west side (as an example) of the proposed trench. In that same area they would also have concrete pipe anchors and stockpiles of bedding materials. Typically, this area needs to be about 25-feet wide. This area is shown in attached Figures 1 & 2 and denoted as area 1.
2. Just west of the trench, and east of area 1, will be an area needed for movement of a crane, pipe fusing equipment, dozers, earthmovers and compaction equipment. It needs to be about 30-feet wide. This area is shown in attached Figures 1 & 2 and denoted as area 2.

Trench:

3. The HDPE installation can not be done with trench boxes because of a) the long length it would be needed for, and b) the cross-lateral bracing of trench boxes would impede the contractor's ability to crane lift and lower the fused pipe into place. Another factor is crew safety regarding slopes of open trench sidewalls, which needs to be at a slope of 1 1/2 to 1 (following OSHA guidance based on depth of excavation and soil type). The trench bottom needs to be 14-feet wide for the installation of the dual forcemain system. These factors requires a width of about 54-feet deep for the depth of about 13-feet. As the contractor excavates, they'll likely side cast most materials to the east (under this example) to stockpile it for later return to the trench after the pipe and pipe bedding are installed. Excavated materials equal to the volume of the pipes and pipe bedding will be truck hauled off-site. The contractor will likely open up about 150 to 250 feet of trench so as to install the pipes, pipe anchors, pipe bedding and backfill. This area is shown in attached Figures 1 & 2 and denoted as area 3.

East side of the trench:

4. On the east side of the trench there needs room for movement dump trucks, stockpiling of excavated materials for later backfill and for topsoil stockpile for later re-use. The area has to be wide enough for trucks or stockpiles of materials to be far enough from the trench to avoid risk of trench side wall movement and a truck or stockpile falling into the trench. This area needs to be about 60-feet wide. This area is shown in attached Figures 1 & 2 and denoted as area 4.

Thus for proper HDPE pipe installation, the contractor would need about 166 to 169 feet wide area.




135-foot LOC:

For much of the LOC there is only 135-feet of width allowed for work, generally north of Station 134+50. For that area, this will necessitate special construction methods that will add to the complexity of construction. The contractor will need to immediately move the excavated materials to the south to backfill the prior excavated trench. The specifications will limit the contractor to not more than 500-feet of trench opened at any one time.

200-foot LOC:

As shown on the plan sheets, the south 1,550-feet of the peninsula has a LOC that is 200-feet wide. This is due to the need for two different contractors to utilize that overall area. Contractor "B", the river crossing contractor, will need the east 30-feet to 35-feet for the fusing of the dual pipes that after fusing will need to be pulled out into the river and sunk into place. The balance of the space will be used by Contractor "C" to install the pipes per descriptions 1 through 4 above. Reducing the LOC in this area would be disruptive for the two contractor's needing to work in close proximity to each other. This area is shown in attached Figures 2 and denoted as area 5.

In conclusion, MCES staff believe it is not possible to further reduce the LOC any more than shown on the plan sheets. The 135-feet wide LOC is already less than a desired LOC width of 166 feet to 169 feet. Any additional reductions would impeded construction and increase cost and time needed to complete the construction. . For the LOC that is 200-feet wide (south 1,550 feet of the peninsula), MCES staff believes it to be the correct size for the fact that two contractors are working in close proximity to each other. Thus, MCES staff recommends the LOC remains as drawn.

  
Rex A. Huttes, P.E.  
Project Manager  
MCES - Interceptor Engineering Division

12/21/09  
Date

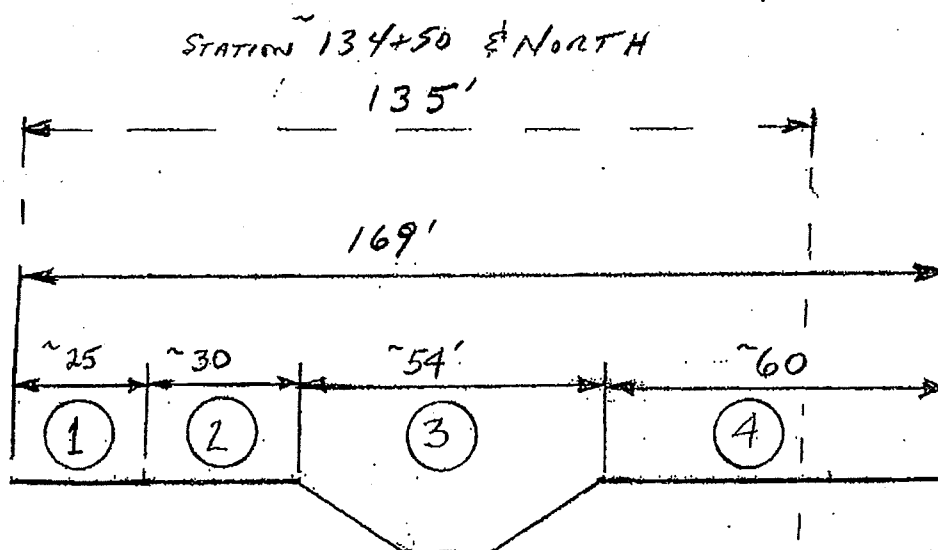


FIGURE 1

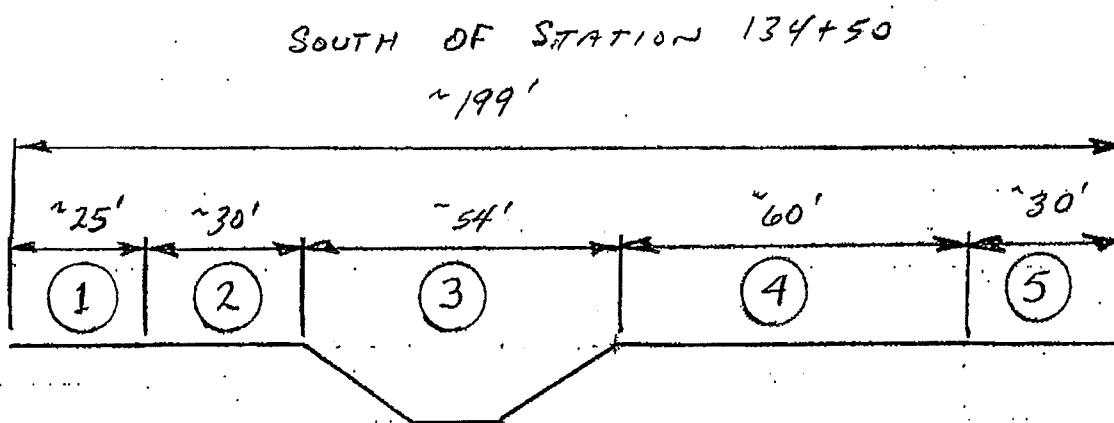
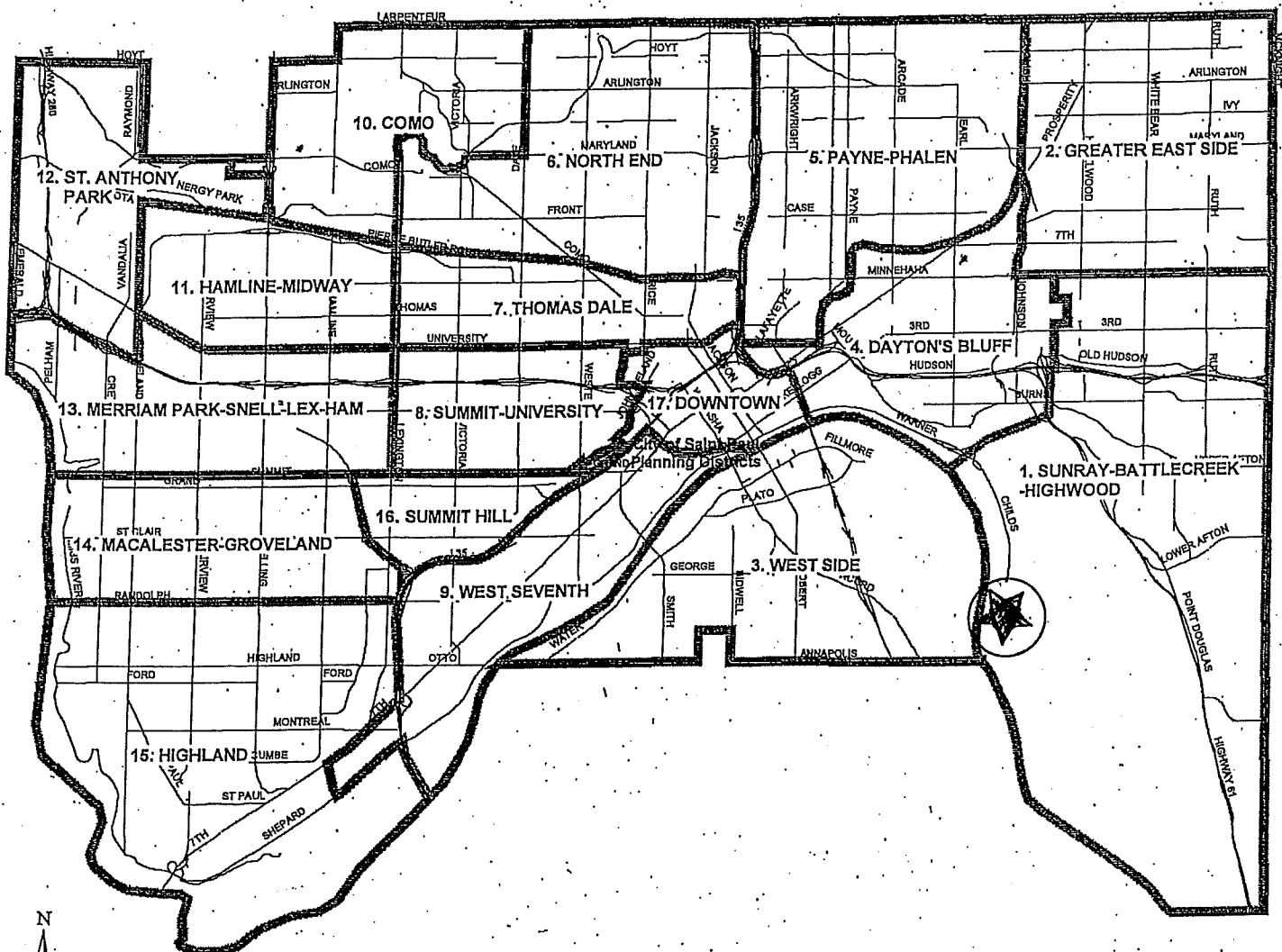


FIGURE 2

① - SEE DESCRIPTION IN MEMORANDUM

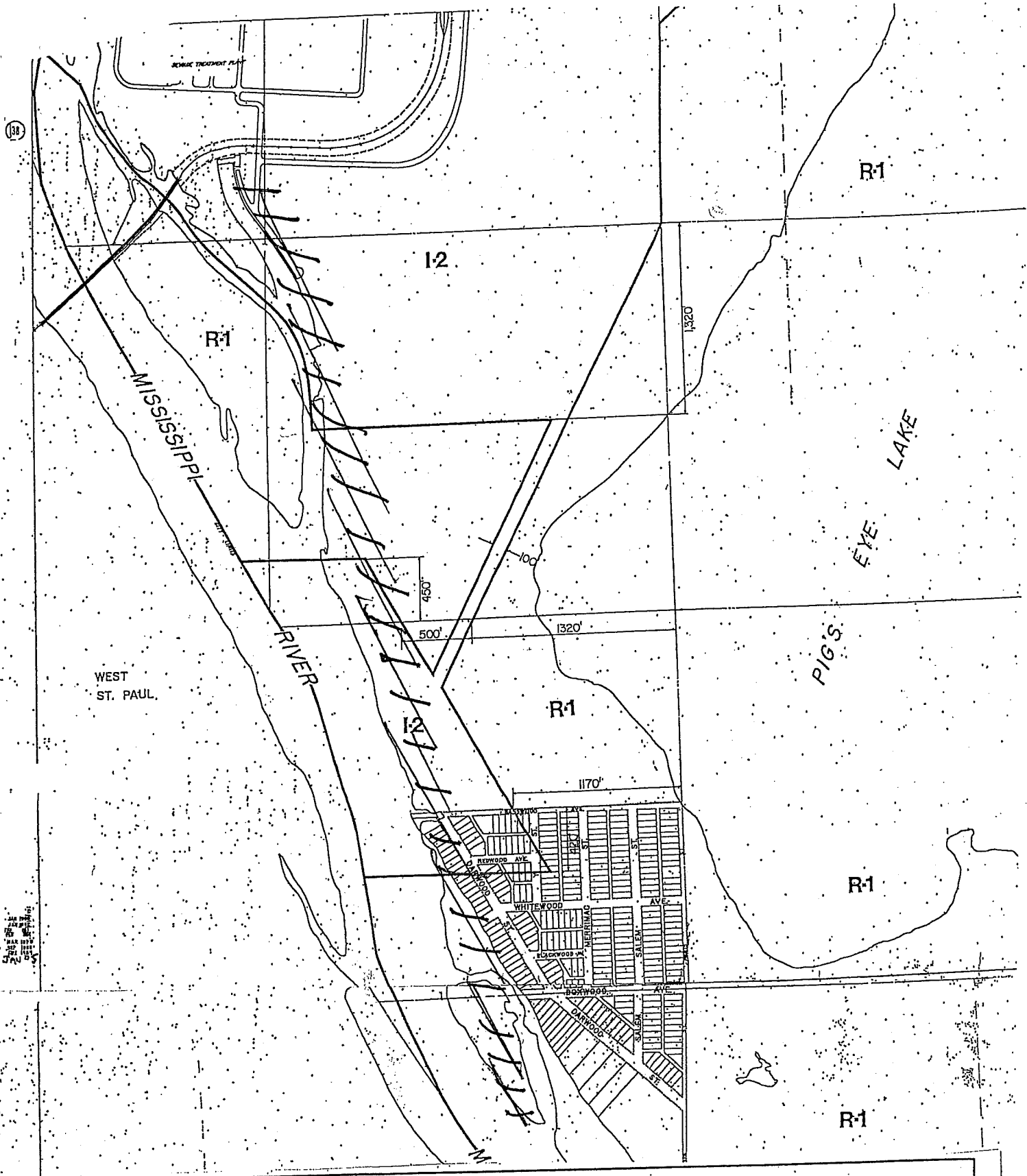
# CITIZEN PARTICIPATION DISTRICTS



## CITIZEN PARTICIPATION PLANNING DISTRICTS

1. SUNRAY-BATTLECREEK-HIGHWOOD
2. GREATER EAST SIDE
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS-DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLINE-MIDWAY
12. ST. ANTHONY
13. MERRIAM PK.-LEXINGTON HAMLINE
14. GROVELAND-MACALESTER
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

#10-004005



APPLICANT Meto Council  
 PURPOSE CUP w/variances  
 FILE # 10-004005 DATE 10-004005  
 PLNG. DIST. 1 MAP # 39, 43  
 SCALE 1" = 100'

LEGEND

- zoning district boundary
- subject property
- one family
- two family
- multiple family



- commercial
- industrial
- vacant

